



Town of Arlington, MA Redevelopment Board

Agenda & Meeting Notice January 25, 2021

This meeting is being held remotely in accordance with the Governor's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law G.L. c. 30A, Section 20. Public comments will be accepted during the public comment periods designated in the agenda. The public may email or provide any written comments to jraitt@town.arlington.ma.us by January 25, 2021 at 4:00 p.m. If visual information is provided as part of your correspondence, the Board requests this by January 22, 2021 at 12:00 p.m.

The Arlington Redevelopment Board will meet Monday, January 25, 2021 at 7:00 PM in the **Join Zoom Meeting with audio and video by connecting using this link and Meeting ID: <https://town-arlington-ma-us.zoom.us/j/94387696913> | Meeting ID: 943 8769 6913 or join by phone by calling: 1-646-876-9923, enter Meeting ID: 943 8769 6913 then #**

1. Public Hearing

- 7:00 p.m. Arlington Redevelopment Board (ARB) for the Board's Draft Amended Rules and Regulations
- Members of the public will be provided time to comment.
 - Board members will discuss the document and may vote.

2. Zoning Bylaw amendments to be submitted by the Redevelopment Board for 2021 Annual Town Meeting

- 7:30 p.m. - Continued discussion from January 4, 2021
- Discussion about zoning amendments related to Housing Choice and MBTA Communities

Board members will continue discussion and vote to file warrant articles

3. Proposed Citizen Petition Zoning Warrant Article

- 8:30 p.m. James Fleming will discuss his proposed warrant article, Board may discuss and ask questions

4. Meeting Minutes (10/5/20)

- 8:45 p.m. Board will review and approved minutes

5. Open Forum

- 8:50 p.m. Except in unusual circumstances, any matter presented for consideration of the Board shall neither be acted upon, nor a decision made the night of the

presentation. There is a three minute time limit to present a concern or request.

6. Adjourn

9:10 p.m. Estimated Time for Adjournment



Town of Arlington, Massachusetts

Public Hearing

Summary:

- 7:00 p.m. Arlington Redevelopment Board (ARB) for the Board's Draft Amended Rules and Regulations
- Members of the public will be provided time to comment.
 - Board members will discuss the document and may vote.

ATTACHMENTS:

Type	File Name	Description
▢ Reference Material	Agenda_Item_1_-_ARB_Rules_and_Regs_adopted_070219_proposed_amendment_12-21-20.docx	ARB Rules and Regs adopted 070219 proposed amendment 122120

Arlington Redevelopment Board Rules and Regulations



Town of Arlington Redevelopment Board Rules & Regulations

On August 6, 2018, pursuant to M.G.L. Chapter 40A § 9, the Arlington Redevelopment Board held a Public Hearing to solicit comments on proposed Rules and Regulations and voted 5-0 to adopt Rules and Regulations as the official Arlington Redevelopment Board Rules and Regulations.

Draft Amendment to Rule 10 issued for public comment on January 7, 2020. Public hearing will be held on January 25, 2020.

For questions regarding these rules and regulations, please contact the Department of Planning and Community Development at 781-316-3090 or go to
www.arlingtonma.gov/arb.

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RULE 1 : AMENDMENT AND REVISION

These Rules may be replaced, revised or amended at any time by a majority vote of the Redevelopment Board, where permissible under Federal, State, and local law.

RULE 2 : BOARD OFFICERS

The first Redevelopment Board meeting in January shall begin as an organizational meeting. At that time, the Board shall elect a Chairperson and a Vice Chairperson. If a vacancy occurs in the office of Chairperson, the board shall elect a new Chairperson from among its members before two (2) regular meetings have passed. If a vacancy occurs in the office of Vice Chairperson, the board shall elect a new Vice Chairperson from among its members before two (2) regular meetings have passed.

RULE 3 : ROLE OF THE CHAIRPERSON

The Chairperson shall coordinate with the Secretary Ex-Officio to schedule meetings and submit agendas to the Town Clerk in accordance with M.G.L. c. 30A, §§ 18-25 ("Massachusetts Open Meeting Law"). The Chairperson shall serve as ex-officio member of all Redevelopment Board committees, and as such shall have full power and authority to attend all meetings of such committees and subcommittees, including any portions of such meetings held in closed or executive sessions but shall have the right to vote only in the case of a tie.

RULE 4 : PRESIDING OFFICER

The Chairperson of the Redevelopment Board shall preside at the meetings of the Redevelopment Board. In the absence of the Chairperson, the Vice Chairperson shall preside. In the absence of both, the members present will elect a board member to preside over the meeting. In the event that the Chairperson can no longer serve, the Vice Chairperson shall assume the powers and duties of the Chairperson.

RULE 5 : MEETINGS

The Redevelopment Board will meet on the 1st and 3rd Mondays of each month, at 7:30 p.m., except not on federal and state holidays, in the Town Hall Annex, Second Floor Conference Room, unless otherwise posted with proper notice in accordance with the Massachusetts Open Meeting Law. The frequency, time, and place may be changed by a majority vote of the Board. Executive sessions shall be authorized and governed by M.G.L. c. 30A, § 21. Any three members of the Redevelopment Board may schedule a meeting of the Redevelopment Board and must submit the agenda to the Town Clerk in accordance with the Massachusetts Open Meeting Law.

RULE 6 : MEETING FORMAT

During meetings or Public Hearings at which the Redevelopment Board is considering applications for approvals or special permits, the applicant shall be recognized for presentation, followed by staff comments, questions and comments by Board Members, questions and comments by abutters and other members of the public as addressed to the Chair, and additional questions and comments by Board Members and comments by staff. In presentations by abutters and the public, the Board may grant wide latitude in allowing people to speak, while reserving the right to limit presentations which are not relevant to the matters being discussed or are repetitive. Presentations by abutters and the public are always directed to the Board; it is not intended to allow discussion between those in attendance and the applicant. Time limits may be set by the Redevelopment Board prior to the beginning of a meeting or whenever necessary to facilitate discussion and deliberation in an orderly manner.

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No person shall address a meeting of the Redevelopment Board without the permission of the presiding officer, and all persons shall, at the request of the presiding officer, be silent. No person shall disrupt the proceedings of the Redevelopment Board. If, after clear warning from the presiding officer, a person continues to disrupt the proceedings, the presiding officer may order the person to withdraw from the meeting and if the person does not withdraw, the presiding officer may authorize a constable or other officer to remove the person from the meeting per M.G.L. c. 40A.

RULE 7 : PARLIAMENTARY GUIDELINES

In all matters of parliamentary procedure not provided for in the constitution and laws of the Commonwealth and the Town Manager Act or explicitly elsewhere in these rules, the presiding officer and the members shall be guided by the principles of fairness, clarity, and efficiency, in that order. In determining any parliamentary questions, due regard shall be given to the entire scholarship of parliamentary procedure, with particular emphasis on Robert's Rules of Order, but guidance may also be provided by other authorities and examples of parliamentary procedure, including reference to rules and rulings of state and local legislative bodies.

RULE 8 : QUORUM

Four members of the Redevelopment Board shall constitute a quorum for M.G.L. c. 40A § 9 to grant a special permit.

RULE 9 : RECORD KEEPING

Unless otherwise provided for by the Redevelopment Board, the Secretary Ex-Officio shall keep a record of the proceedings and perform such duties as may be assigned by other Redevelopment Board vote. The Secretary Ex-Officio shall transmit copies of the previous meeting's minutes to all Board members prior to the next scheduled meeting. After the minutes have been approved by the Redevelopment Board, a copy shall be forwarded to the Town Clerk. Copies of the minutes of each meeting of the Redevelopment Board shall be posted online and may be requested through the Town Clerk who will provide copies of the requested minutes. Audio and visual recordings of meetings may be made and kept at the discretion of the Secretary Ex-Officio. If audio or visual recordings of meetings are made, the Chair shall notify the Board, participants, and the public at the start of the meeting.

RULE 10 : FILING DEADLINES AND SUBMITTALS FOR REGULAR MEETINGS

The submission of materials, incorporating materials into the agenda, the delivery of materials to the Board, and the posting of materials to the Town Clerk and on the website are all time sensitive and dependent on one another. The following chart outlines the responsible party and timeframe that each action shall occur:

ARLINGTON REDEVELOPMENT BOARD SUBMITTALS SCHEDULE			
	Action	Responsible Parties	Deadline
1	<i>Agenda material submission</i>	Department of Planning and Community Development (DPCD) Director, staff, ARB members, general public	Any time prior to submission deadline
2	<i>Agenda material</i>	DPCD Director, staff, ARB	At least one week prior to the

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	<i>submission ends</i>	members, general public	published meeting date
3	<i>Agenda finalized</i>	DPCD staff, ARB chair	4 p.m. of the day prior to posting the meeting agenda
4	<i>Meeting packet finalized</i>	DPCD staff	4 p.m. of the day prior to posting the meeting agenda
5	<i>Agenda posted to Clerk and website</i>	DPCD administrative assistant	At least 48 hours prior to such meeting, excluding Saturdays, Sundays and legal holidays, in accordance with Open Meeting Law, G.L. c. 30A, § 20
6	<i>Meeting packet made available to ARB members and members of the public</i>	DPCD administrative assistant	At least 48 hours prior to such meeting, excluding Saturdays, Sundays and legal holidays, in accordance with Open Meeting Law, G.L. c. 30A, § 20

Any member of the public may email or provide any written comments to the Director by 12:00 p.m. of the day of the meeting. If visual information is provided as part of this correspondence, material must be received by 12:00 p.m. at least 48 hours prior to such meeting, excluding Saturdays, Sundays and legal holidays, in accordance with Open Meeting Law, G.L. c. 30A, § 20.

This workflow ensures effective and efficient business practices, accountability, and consistency in the ARB meeting process. “Material Submitters” are considered anyone who submits an agenda item or agenda item reference materials, including ARB members, DPCD staff, and the general public. All material submitters shall: submit reference materials for inclusion in the agenda packet as early in the process as possible; notify DPCD Administrative staff if reference materials will not meet that deadline; and submit reference and all supporting materials digitally as a Microsoft Office compatible file, a PDF, a common image format, or as an email. If any deadline cannot be met, the DPCD staff has the right to enforce the workflow policy; agenda items and reference materials that do not meet the deadline will not be included and will be moved to the following meeting. Further, the Board will not accept new supplemental application materials anytime between the posting of a meeting notice and the night of the meeting.

The DPCD Director and staff shall review and develop agenda items and reference materials at any time prior to the deadline for any ARB meeting; request a Material Submitter to submit reference materials in digital format as described above; post the agenda prior to the meeting in accordance with the schedule; distribute or notify the appropriate parties when the agenda packet is finalized and available; and print agendas, certain reference materials, or entire agenda packets as needed for meetings. Printed agendas, certain reference materials, or entire agenda packets may be requested from the DPCD Administrative Staff by 10 a.m. on Friday prior to the meeting date.

RULE 11 : LEGAL NOTIFICATION

Before granting a special permit, the ARB shall hold a public hearing, notice of which shall be given by the Department of Planning and Community Development in a local newspaper once in each of two successive weeks with the first publication to be not less than fourteen (14) days before the date of hearing, and to owners of all property abutting the proposed development or land in the same ownership or contiguous ownership, and to all property owners deemed by the ARB to be affected specifically thereby. The ARB shall upload all application materials through NovusAgenda

and make one copy available at the Department of Planning and Community Development.

RULE 12 : FEES FOR APPEARING BEFORE THE REDEVELOPMENT BOARD

The Redevelopment Board has the authority to set and adjust the fees periodically for appearing before the Redevelopment Board. The current fee schedule as of August 2018 is:

Minimum Fee for any application	\$500.00
New Construction fee	\$0.20/square ft. of new construction

RULE 13 : APPLICATION TIMETABLES AND EXPIRATION

All Special Permits before the Redevelopment Board are subject to the following timelines. Within 10 days of receipt of application, copies of the application must be transmitted by the Department of Planning and Community Development to Inspectional Services. Following staff evaluation of the proposal, the DPCD may determine that any of the following Boards, Departments, or Commissions need to be notified as part of project review: Board of Health; Conservation Commission; Public Works; Engineering; Historical Commission; Historic Districts Commission; Fire Department; Police Department; and Zoning Board of Appeals. All other boards, commissions, or departments will be given 35 days to respond. Failure to respond will be deemed to be lack of opposition. Additionally:

1. Hearings must start within 65 days of application submission.
2. Once the hearing has commenced, it may be continued. If continued beyond 90 days, the petitioner must receive a written agreement from the ARB in order to continue the hearing.
3. Final action must be taken by the Redevelopment Board within 90 days of the hearing's closure. If decision is not reached within 90 days after closure of the hearing, petitioner may notify the Town Clerk and abutters within 14 days after the 90th day that they are seeking approval of its application for failure of the Redevelopment Board to act on its application within 90 days, or any extended time period beyond the 90 days, pursuant to M.G.L. c.40A, § 9, and comply with the requirements set forth therein.
4. Within 14 days of the Board's final action, the Board must file a record of its Decision in the Town Clerk's Office pursuant to M.G.L. c. 40A, § 9.

RULE 14 : ENVIRONMENTAL DESIGN REVIEW SUBMITTAL REQUIREMENTS

For any project subject to an Environmental Design Review Special Permit, applicants and the Board shall reference and apply the Town of Arlington's Design Standards. These were developed to provide direction for the design of new development and redevelopment primarily in commercial and industrial areas (Business Districts, Industrial Districts, Multi-Use Districts, and for Mixed-Use Development). The Standards focus on development along Massachusetts Avenue, Broadway, the Minuteman Bikeway, and the Mill Brook areas.

All applications shall include plans certified by the land surveyor conducting the boundary survey and professional engineer or architect on the location of the building(s), setbacks, and all other required dimensions, elevations, and measurements. Plans shall be signed under the penalties of perjury. Corner points of a lot (or lots under common ownership) and the change of direction of lines to be marked by stone monuments, cut in stone, stake and nail, iron pin, or other marker shall be marked on plans. The site plan shall be subject to the standards of the Arlington Zoning Bylaw Section 3.4 and the ARB shall make a determination that the project meets these standards.

Submittals include but are not limited to the following:

1. **3-D Rendering.** 3-D renderings are required showing the parcel, abutting streets, proposed contours, proposed buildings, and the massing of abutting buildings. This requirement may be waived by DPCD staff for small projects. Proposals may also be required to provide computer-generated overlays on existing photographs.
2. **Physical Model.** The Board may request a physical model.
3. **Drawing of Existing Conditions.** A drawing (at a minimum of 1" = 20' unless another scale is found suitable by DPCD) showing the location, type, size, or dimension of existing trees, rock masses, existing topography at 2' contours, and other natural features with designations as to which features will be retained. In order to meet the conditions for approval of a Special Permit, all existing trees, rock masses, and other natural features shall be retained until a special permit is approved.
4. **Drawings of Proposal.**
 - i. Building/ Structure: Drawings illustrating the color and type of exterior materials including front, rear, and side elevations where there are no adjoining buildings. Floor plans are required for all floor levels.
 - ii. Landscape: Drawings showing the location, dimensions, and arrangements of all open spaces and yards, including type and size of planting materials, the color and type of surface materials, methods to be employed for screening, and proposed topography at 2' contours.
 - iii. Site Plan: A site plan is required including drainage, utilities, location of parking, and other site features.
5. **Photographs.** Photographs showing the proposed building site and surrounding properties. Applications for alterations and additions shall include photographs showing existing structure or sign to be altered and its relationship to adjacent properties.
6. **Samples.** The Board may request that the applicant provide physical samples of building materials.
7. **Impact Statement.** Applicant shall explain how each of the environmental design review standards is incorporated into the design of the proposed development. Where a particular standard is not applicable, a statement to that effect will suffice. An environmental impact report or statement prepared in accordance with state or Federal regulations may be accepted as a substitute in lieu of this statement, provided it explains how each of the environmental design review elements is incorporated into the design
8. **Signs.** Application for permit and accompanying plans as specified in Rule 14 for each sign that is to be erected on the proposed structure(s). In lieu of the required submittals listed above, an application for a special permit for a temporary sign per the Arlington Zoning Bylaw 6.2.4(M) shall include an overall signage plan comprised of the information required under the Arlington Zoning Bylaw Section 6.2.10 as well as perspectives, renderings, photographs, models, or other representation sufficient to show the nature of the proposed overall signage plan and its effect on the immediate surroundings.

All materials must be submitted in an electronic format. Additionally, two full sets of plans, submittal documents, and any supplemental documents are required for submission. The Board may request additional documents during the review and approval process, as well as following special permit approval.

RULE 15 : BOARD DECISIONS

The ARB shall review the plans and may grant a special permit subject to the conditions and safeguards listed in the Arlington Zoning Bylaw Section 3.3 and 3.3.4. For stated reasons the ARB may deny approval of a special permit or may approve a special permit without a finding of hardship. As required by M.G.L. c. 40A, §9, a positive vote of at least four members of the Redevelopment Board is needed to issue a special permit. Upon the Board's approval, the Secretary Ex-Officio may sign decisions following a vote of the Board and file decisions per requirements of M.G.L. c. 40A. The final decision shall be emailed and may receive administrative corrections following the Board's votes.

RULE 16 : CODE OF ETHICS CONDUCT

A. Generally

In supplement to and above State and Town ethics, public records, open meeting and non-discrimination laws, the Redevelopment Board requires an atmosphere of professional conduct and civility among its members, and shall not tolerate harassment, discrimination, or offensive behavior based on race, color, religion, national origin, gender, gender identify, age, disability, or sexual orientation, nor shall any member of the Redevelopment Board use profanity, insulting, threatening, or abusive language in the course of public debate or in testimony before any Town Department, Board or Commission. Furthermore, this code of ethics conduct shall apply whenever a Redevelopment Board Member is in any public setting representing said Board.

B. Internal Board Relations

A Redevelopment Board member, in their relations with fellow Board members, should:

1. Recognize that action at official legal meetings is binding and that they alone cannot bind the Board outside of such meetings;
2. Refrain from public statements or promises of how they will vote on matters that will come before the Board until he or she has had an opportunity to fully vet the issue during a Board meeting;
3. Make decisions only after all facts on a question have been presented and discussed;
4. Uphold the intent of executive session and respect the privileged communication that exists in executive session;
5. Refrain from communicating the position of the Redevelopment Board to anyone unless the full Board has previously agreed on both the position and the language of the statement conveying the position;
6. Treat with respect the rights of all members of the Board despite differences of opinion;

7. Afford members of the Board the opportunity to speak on matters in Board meetings and hearings without interruption.

C. Board-Town Staff Relations

A member of the Redevelopment Board, in their relations with Town staff, should:

1. Treat all staff as professionals that respects the abilities, experience, and dignity of each individual;
2. Exercise caution and discretion in public criticism of any individual Town employee. Member concerns about performance of staff reporting to the Town Manager should, under ordinary circumstances only be articulated to the Town Manager, or, in limited circumstances, other appropriate Town personnel, such as the Director of Planning and Community Development, Town Counsel or other Department heads.
3. Keep requests for staff support to a minimum wherever possible, and ensure that all requests go through the Director of Planning and Community Development's Office.
4. To the extent practicable, insure that any materials or information provided to an individual member from a staff member be made available to all members of the Redevelopment Board.

These principles shall be enforced by public admonition through resolution, censure, and other action deemed appropriate by the Board or its appointing authorities. Jurisdiction rests with the Redevelopment Board as a whole, and therefore any member may motion for a finding of a violation of this Rule.

RULE 17 : RULES FOR HIRING OUTSIDE CONSULTANTS UNDER M.G.L. c. 44 §53G

A. Purpose

As provided by M.G.L. c. 44 §53G, the Redevelopment Board may impose reasonable fees for the employment of outside consultants, engaged by the Redevelopment Board for specific expert services. Such services shall be deemed necessary by the Board to come to a final decision on an application submitted to the Redevelopment Board pursuant to the regulations and requirements of the Arlington Zoning Bylaw or any other Town bylaw, regulation, or rule as they may be amended or enacted from time to time.

B. Special Account

Funds received pursuant to these rules shall be deposited with the Treasurer who shall establish a special account for this purpose. Expenditures from this special account may be made at the direction of the Redevelopment Board without further appropriation as provided in M.G.L. c. 44 §53G. Expenditures from this account shall be made only in connection with a specific project or projects for which a consultant fee has been collected from the applicant. Expenditures of accrued interest may also be made for these purposes. At the completion of the Board's review of a project, any excess amount in the account, including interest, attributable to a specific project shall be repaid to the applicant or the applicant's successor in interest. For the purposes of this rule, any person or entity claiming to be an applicant's successor in interest shall provide the Board with 30

documentation acceptable to the Board establishing such succession in interest.

C. Consultant Services

In hiring outside consultant(s), the Redevelopment Board may engage engineers, planners, lawyers, urban designers, or any other appropriate professional who can assist the Redevelopment Board in analyzing the project and to ensure compliance with all relevant federal, state, and local laws, statutes, ordinances, and regulations. Specific consultant services may include, but are not limited to, site plan review, stormwater review, traffic analysis, or land use law. Services may also include on-site monitoring during construction, or other services related to the project deemed necessary by the Redevelopment Board. The minimum qualifications shall consist either of an educational degree in, or related to, the field at issue or three (3) or more years of practice in the field at issue, or a related field. The consultant shall be chosen by, and report only to, the Redevelopment Board and/or its administrator. Hiring outside consultants shall comply with the Uniform Procurement Act, M.G.L. c. 30B §§ 1-19.

D. Notice

The Redevelopment Board shall give written notice to the applicant of the selection of an outside consultant, which notice shall state the identity of the consultant, the amount of the fee to be charged to the applicant, and a request for payment of said fee in its entirety. Such notice shall be deemed to have been given on the date it is mailed by first class United States Postal Service or delivered by e-mail. No such costs or expenses shall be incurred by the applicant if the application or request is withdrawn within five (5) business days of the date notice is given.

E. Payment of Fee

The fee must be received prior to the initiation of consulting services. The Board may request additional consultant fees if necessary review requires a larger expenditure than originally anticipated or new information requires additional consultant services. Failure by the applicant to pay the consultant fee specified by the Redevelopment Board within ten (10) business days of the request for payment, or refusal of payment, shall be cause for the Redevelopment Board to deny the application based on lack of sufficient information to evaluate whether the project meets applicable performance standards in the Arlington Zoning Bylaw. The Redevelopment Board will state as such in a letter to the applicant. No additional review or action shall be taken on the permit request until the applicant has paid the requested fee, other than a denial based on insufficient evidence. When the Redevelopment Board's review of a project is completed and a permit issued, any balance in the special account attributable to that project shall be returned within 30 days. The excess amount, including interest, shall be repaid to the applicant or their successor.

F. Appeals

The applicant may appeal the selection of the outside consultant to the Town Manager, who may disqualify the outside consultant selected only on the grounds that the consultant has a conflict of interest or does not possess the minimum required qualifications. Such an appeal must be in writing and received by the Town Manager within ten (10) days of the date consultant fees were requested by the Redevelopment Board with a copy received by the Redevelopment Board on the same date as received by

the Town Manager. The required time limits for action upon the application shall be extended by the duration of the administrative appeal. In the event that no decision is made by the Town Manager within one month following the filing on an appeal, the selection made by the Redevelopment Board shall stand.

RULE 18 : SIGN APPLICATIONS AND REVIEW PROCEDURES FOR ADMINISTRATIVE APPROVAL

Sign modifications on properties subject to Environmental Design Review (EDR) may be considered for administrative approval by the Director of Planning and Community Development provided the applicant demonstrates that the following criteria are met:

1. The ARB previously approved a sign through the Environmental Design Review Special Permit process or a prior sign permit was approved by Inspectional Services;
2. The sign(s) meet zoning requirements;
3. There are no known zoning or general bylaw violations outstanding on the property;
4. All of the following conditions are met:
 - a. The same number or fewer signs are proposed;
 - b. The same size or smaller sign(s) or sign area is proposed; and
 - c. The sign(s) proposed is in the same locations as the existing sign(s).
5. The sign(s) illumination is the same illumination as for existing sign(s);
6. The new sign(s) are not internally illuminated;
7. The sign(s) are legible from the public way in the Director or their designees' opinion; and
8. There are not any sign(s) proposed for storefront windows.

If sign proposals do not meet all of the criteria above, then the applicant must submit a full Environmental Design Review application for the Redevelopment Board's review and approval. The Department of Planning and Community Development is not required to provide administrative approval and may at any time refer the application to the Board.

Procedure: Submit a \$500 fee payable to the Town of Arlington and one copy of the following documents to the Department of Planning and Community Development

1. Photos of existing signs maintained on the premises;
2. Drawing of building facade indicating location of the proposed sign(s).
3. Drawing to scale of proposed sign(s) with dimensions and construction specifications, materials, mounting method, lighting, and wiring;
4. Cut sheet for any lighting; and
5. Photo simulation, perspectives, renderings, or other representations sufficient to show the nature of the proposed sign(s) and its effect on the immediate surroundings.

RULE 19 : Review of Religious and Educational Uses

A. Purpose

The purpose of Rule 19 is to provide for reasonable regulation of religious, non-profit educational, and child care facilities used primarily for such purposes consistent with G.L. c. 40A, §3. Specifically, "reasonable regulation" refers to the bulk and height of structures and in determining yard sizes, lot area, setbacks, open space, parking, and building coverage requirements. When applying reasonable regulation, the Town shall not unreasonably impede the protected use without appreciably advancing the purposes of the Zoning Bylaw, goals of the Arlington Master Plan, or other development plans and policies of the Town.

B. Procedures

1. Building Inspector Review: To determine whether a religious, non-profit educational, or child care facility use is protected under G.L. c. 40A, §3, the property owner or agent of an owner shall submit to the Building Inspector such information necessary to make the following findings:

- That the applicant has sufficiently demonstrated that the proposed use of the property or structures is for a religious, non-profit educational, or child care purpose, or appropriate combination thereof; and
- That the applicant has sufficiently demonstrated that the proposed use of the property or structure for these purposes is the principal use.

If the applicant has satisfied the Building Inspector as outlined above, the Building Inspector shall so inform the applicant and the Department of Planning and Community Development (“Department”) in writing, within 30 days of having received the information provided by the applicant, that the application is appropriate for administrative review for the purposes set forth by Rule 19. If the applicant has not satisfied the Building Inspector as outlined above, the Building Inspector shall so inform the applicant in writing within 30 days of having received the information provided by the applicant.

2. Department of Planning and Community Development Review: The Department shall apply those requirements allowed by G.L. c. 40A, §3, in a reasonable fashion within the specific context of the proposed project as an administrative approval process.

- The applicant bears the burden of establishing that the application of a given regulation should be waived, reduced, or altered as unreasonable within the specific facts of both the site and the proposed use.
- The Department shall apply the reasonable regulations in accordance with the purposes of the Zoning Bylaw, the goals of the Arlington Master Plan, or other development plans and policies of the Town, and G.L. c. 40A, §3

The Department shall prepare an administrative decision outlining any conditions within 30 days, and provide copies to the applicant and the Building Inspector. The applicant may then pursue a permit from the Department of Inspectional Services which shall be issued by the Building Inspector.

C. Appeals/ Grievances

An appeal to the Board of Appeals may be taken by any person aggrieved by the determination of the Building Inspector, as provided in G.L. c. 40A, § 8 and § 15. A grievance to the Town Manager may be taken by any person aggrieved by the determination of the Department of Planning and Community Development.



Town of Arlington, Massachusetts

Zoning Bylaw amendments to be submitted by the Redevelopment Board for 2021 Annual Town Meeting

Summary:

- 7:30 p.m.
- Continued discussion from January 4, 2021
 - Discussion about zoning amendments related to Housing Choice and MBTA Communities

Board members will continue discussion and vote to file warrant articles

ATTACHMENTS:

Type	File Name	Description
▢ Reference Material	Agenda_Item_2A_-_Memo_to_JR_re_draft_warrant_article_submissions_01-19-21.doc	Memo to JR re draft warrant article submissions 011921
▢ Reference Material	Agenda_Item_2B_-_H5250.pdf	H5250
▢ Reference Material	Agenda_Item_2C_-_H5250_-_Signed_Letter.pdf	H5250 - Signed Letter



TOWN OF ARLINGTON
DEPARTMENT OF PLANNING and
COMMUNITY DEVELOPMENT

TOWN HALL, 730 MASSACHUSETTS AVENUE
ARLINGTON, MASSACHUSETTS 02476
TELEPHONE 781-316-3090

MEMORANDUM

To: Jennifer Raitt, Director, Planning and Community Development

From: Erin Zwirko, Assistant Director, Planning and Community Development

Date: January 19, 2021

RE: DRAFT Warrant Articles for 2021 Annual Town Meeting

Based on the conversation at the ARB's January 4, 2021, meeting, please find the draft warrant articles for consideration.

ARTICLE ____ ZONING BYLAW AMENDMENT/ AFFORDABLE HOUSING REQUIREMENTS
To see if the Town will vote to amend the Zoning Bylaw to increase the time during which the affordable housing requirements apply from a two-year period to a three-year period in alignment with G.L. c.40A § 9 by amending SECTION 8.2.2. APPLICABILITY; or take any action related thereto.
(Inserted at the request of the Redevelopment Board)

ARTICLE ____ ZONING BYLAW AMENDMENT/ APARTMENT CONVERSION
To see if the Town will vote to amend the Zoning Bylaw to include a definition of apartment conversion by amending SECTION 2 DEFINITIONS; or take any action related thereto.
(Inserted at the request of the Redevelopment Board)

ARTICLE ____ ZONING BYLAW AMENDMENT/ GROSS FLOOR AREA
To see if the Town will vote to amend the Zoning Bylaw to clarify how landscaped and usable open space is calculated relative to gross floor area by amending SECTION 5.3.22. GROSS FLOOR AREA to add subsection C; or take any action related thereto.
(Inserted at the request of the Redevelopment Board)

ARTICLE ____ ZONING BYLAW AMENDMENT/ PROHIBITED USES
To see if the Town will vote to amend the Zoning Bylaw to indicate that uses without a "Y" or "SP" in the Tables of Uses are prohibited by amending SECTION 5.2.2. PROHIBITED USES to add subsection C; or take any action related thereto.
(Inserted at the request of the Redevelopment Board)

ARTICLE ____ ZONING BYLAW AMENDMENT/ OTHER DISTRICTS DIMENSIONAL AND DENSITY REGULATIONS
To see if the Town will vote to amend the Zoning Bylaw to include the legend for tables by amending SECTION 5.6.2. DIMENSIONAL AND DENSITY REGULATIONS; or take any action related thereto.
(Inserted at the request of the Redevelopment Board)

ARTICLE ____ ZONING BYLAW AMENDMENT/ ADMINISTRATIVE AMENDMENTS

To see if the Town will vote to amend the Zoning Bylaw to make the following administrative corrections;

1. Correcting references to Board of Selectmen in subparagraph B of SECTION 3.1.4. PENALTY and in Section 3.2.1. ESTABLISHMENT;
1. Removing gendered terms in subparagraph A of SECTION 3.2.3. RULES AND REGULATIONS and subparagraph D of SECTION 6.2.7. NONCONFORMING SIGNS;
2. Correcting reference to August, 1975 in subparagraphs C and D in SECTION 5.4.2. DIMENSIONAL AND DENSITY REQUIREMENTS; and
3. Correcting reference to seven feet three inches in subsection A(1) in SECTION 5.3.22. APPLICABILITY;

or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

ARTICLE ____ ZONING BYLAW AMENDMENT/ MARIJUANA USES

To see if the Town will vote to amend the Zoning Bylaw to allow Marijuana Delivery-Only Retailers and other amendments for consistency with the state regulations for the adult use of marijuana and the medical use of marijuana by amending SECTION 2 DEFINITIONS, SECTION 5.5.3. USE REGULATIONS FOR BUSINESS DISTRICTS, SECTION 5.6.3. USE REGULATIONS FOR MU, PUD, I, T, AND OS DISTRICTS, and SECTION 8.3 STANDARDS FOR MARIJUANA USES; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

ARTICLE ____ ZONING BYLAW AMENDMENT/ INDUSTRIAL USES

To see if the Town will vote to amend the Zoning Bylaw to update and modernize the Industrial Zoning Districts by amending:

1. SECTION 2 DEFINITIONS to define new uses,
2. SECTION 5.3.7. SCREENING AND BUFFERS: INDUSTRIAL AND BUSINESS DISTRICTS AND PARKING LOTS and SECTION 5.3.17 UPPER-STORY BUILDING STEP BACKS to clarify standards for the Industrial Zoning Districts;
3. SECTION 5.6.1. DISTRICTS AND PURPOSES to redefine the Industrial Zoning District;
4. SECTION 5.6.2. DIMENSIONAL AND DENSITY REGULATIONS to clarify amenity requirements in the Table of Maximum Height and Floor Area Ratio and to add development standards;
5. SECTION 5.6.3. USE REGULATIONS FOR MU, PUD, I, T, AND OS DISTRICTS to include new uses and amend existing uses;
6. SECTION 5.9 SUPPLEMENTAL REGULATIONS FOR PERMITTED USES to provide additional standards for uses;
7. SECTION 6.1.4. TABLE OF OFF-STREET PARKING REGULATIONS to adjust the parking requirement for light manufacturing;
8. SECTION 6.1.10 LOCATION OF PARKING SPACES to include standards for the Industrial Zoning Districts;
9. SECTION 6.1.11 PARKING AND LOADING SPACE STANDARDS to include standards for the Industrial Zoning Districts; and
10. SECTION 6.1.12 BICYCLE PARKING to adjust the bicycle parking standards for light manufacturing and office, medical or clinic uses;

or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

ARTICLE ____ ZONING MAP ADOPTION

To see if the Town will vote to readopt the Zoning Map of the Town of Arlington, Massachusetts, as amended by previous Town Meeting action; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

Additionally, as discussed during the January 4, 2021 meeting, the ARB is interested in continuing the discussion relative to Mr. Miettinen's proposal regarding energy efficient homes on nonconforming lots. The following was suggested to Mr. Miettinen and is provided here for discussion purposes:

ARTICLE ____ ZONING BYLAW AMENDMENT/ ENERGY EFFICIENT HOMES ON NONCONFORMING LOTS

To see if the Town will vote to amend the Zoning Bylaw to allow construction of energy efficient homes on nonconforming lots in the R0, R1, and R2 Districts that meet certain energy efficiency industry standards; or take any action related thereto.

(Inserted at the request of XXX)

HOUSE No. 5250

The Commonwealth of Massachusetts

The committee of conference on the disagreeing votes of the two branches with reference to the Senate amendment (striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2874; and by striking out the title and inserting in place thereof the following title: “An Act to encourage new development and usher in a recovering economy”) of the House Bill enabling partnerships for growth (House, No. 4887), reports recommending passage of the accompanying bill (House, No. 5250). [Fiscal note: \$626, 504,000.00]. January 6, 2021.

Aaron Michlewitz	Eric P. Lesser
Ann-Margaret Ferrante	Michael J. Rodrigues
Donald H. Wong	Patrick M. O'Connor

HOUSE No. 5250

The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court
(2019-2020)

An Act enabling partnerships for growth.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to forthwith finance improvements to the commonwealth's economic infrastructure and promote economic opportunity, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. To provide for a program of economic development and job creation, the sums set
2 forth in sections 2 and 2A, for the several purposes and subject to the conditions specified in this
3 act, are hereby made available, subject to the laws regulating the disbursement of public funds;
4 provided, however, that the amounts specified in an item or for a particular project may be
5 adjusted in order to facilitate projects authorized in this act. These sums shall be in addition to
6 any amounts previously authorized and made available for these purposes.

7 SECTION 2.

8 EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT

9 Office of the Secretary

10 7002-8000 For the program administered by the Massachusetts Development Finance Agency
11 for site assembly, site assessment, predevelopment permitting and other predevelopment and
12 marketing activities that enhance a site's readiness for commercial, industrial or mixed-use
13 development; provided, that a portion of the funds shall be used to facilitate the expansion or
14 replication of successful industrial parks; and provided further, that funding shall be awarded in a
15 manner that promotes geographic equity.....\$15,000,000

16 7002-8001 For the Massachusetts Growth Capital Corporation established in section 2 of chapter
 17 40W of the General Laws for a program to provide matching grants to community development
 18 financial institutions certified by the United States Treasury or community development
 19 corporations certified under chapter 40H of the General Laws to enable the community
 20 development financial institution or community development corporation to leverage federal or
 21 private investments for the purpose of making loans and grants to small businesses including, but
 22 not limited to, businesses owned by women, veterans, minorities and immigrants; provided, that
 23 the program shall prioritize socially or economically disadvantaged businesses, which may
 24 include, but shall not be limited to, minority-owned, women-owned, veteran-owned, and
 25 immigrant-owned small businesses, that have historically faced obstacles accessing capital and
 26 have been disproportionately impacted by the 2019 novel coronavirus pandemic; and provided
 27 further, that grants shall be awarded in a manner that promotes geographic
 28 equity.....\$35,000,000

29 7002-8002 To provide funds to the Massachusetts Broadband Incentive Fund established in
 30 section 6C of chapter 40J of the General Laws for capital repairs and improvements to
 31 broadband infrastructure owned by the Massachusetts Technology Park Corporation established
 32 by section 3 of chapter 40J.....\$5,000,000

33 7002-8003 For the Massachusetts Technology Park Corporation established by section 3 of
 34 chapter 40J for matching grants that support collaboration among manufacturers located in the
 35 commonwealth and institutions of higher education, non-profits and other public or quasi-public
 36 entities; provided, that eligible grantees shall include, but not be limited to, participants in the
 37 Manufacturing USA institutes established under the National Network for Manufacturing
 38 Innovation; provided further, that grants shall be awarded and administered consistent with the
 39 strategic goals and priorities of the advanced manufacturing collaborative established by section
 40 10B of chapter 23A; and provided further, that grants shall be awarded in a manner that
 41 promotes geographic, social, racial, and economic equity.....\$10,000,000

42 7002-8004 For projects receiving assistance from the Scientific and Technology Research and
 43 Development Matching Grant Fund established by section 4G of chapter 40J of the General
 44 Laws; provided, that not less than \$2,000,000 shall be expended for the University of
 45 Massachusetts Amherst for capital improvements to the marine station in Gloucester; provided
 46 further, that use of funds may include the following purposes: (i) capital improvements,
 47 equipment and faulty start-up costs at the marine station, and (ii) capital equipment and other
 48 start-up costs for a sustainable seafood production center of excellence including, but not limited
 49 to, acquiring, expanding, improving or leasing a facility on Gloucester Harbor in Gloucester; and
 50 provided further, that the University of Massachusetts Amherst shall provide a 50 per cent match
 51 to these funds; and provided further, that grants shall be awarded in a manner that promotes
 52 geographic, social, racial and economic equity..... \$52,000,000

7002-8027 For a competitive program of grants or other financial assistance to support economic development, job creation and housing and climate resilience initiatives, including nature-based solutions projects that incorporate these elements for the public purpose of promoting economic opportunity and prosperity in small towns or rural areas of the commonwealth; provided, that such financial assistance may be offered to a municipality or other public entity, a community development corporation, non-profit entity or for-profit entity; provided further, that such financial assistance shall support a project located in a municipality with a population of not more than 7,000 year-round residents or a population density of not more than 500 persons per square mile; provided further, that financial assistance offered pursuant to this line item may be administered by the executive office through a contract with the Massachusetts Development Finance Agency established by section 2 of chapter 23G; provided further, that grants shall be awarded in a manner that promotes geographic, social, racial, and economic equity; and provided further, that the administering agency may establish additional program requirements through regulations or policy guidelines.\$20,000,000

7002-8028 For the Massachusetts Growth Capital Corporation, established in section 2 of chapter 40W of the General Laws to provide, in consultation with the microbusiness development center within the Massachusetts office of business development, grants to low- and moderate-income entrepreneurs to acquire, expand, improve or lease a facility, to purchase or lease equipment or to meet other capital needs of a business with not more than 20 employees and annual revenues not exceeding \$2,500,000, including alternative energy generation projects; provided, that grants may be used for capital projects or equipment purchases necessary to uphold public health and social distancing protocols for customers and staff related to the 2019 novel coronavirus pandemic; provided, that preference shall be given to businesses located in low-income or moderate-income areas or socially and economically disadvantaged businesses, which shall include, but shall not limited to, minority-owned, women-owned, immigrant-owned and veteran-owned businesses; and provided further, that prioritization in awarding grants shall be given to businesses that have been disproportionately impacted by the 2019 novel coronavirus pandemic; and provided further, that grants shall be awarded in a manner that promotes geographic equity.....\$25,000,000

7002-8029 For a competitive grant program administered by the office of travel and tourism; provided, that funds may be used to: (i) provide tourism and cultural marketing funds to businesses and regional tourism councils for the purpose of promoting and advertising in-state tourism in order to create jobs, support tourism-related businesses in the commonwealth and stimulate the state and local economies of the commonwealth; and (ii) improve facilities and destinations visited by in-state and out-of-state travelers, with the goals of increasing visitation, enticing repeat visitation and increasing the direct and indirect economic impacts of the tourism industry in all regions of the commonwealth; provided further, that grants shall support the design, repair, renovation, improvement, expansion and construction of facilities owned by municipalities or non-profit entities; provided further, that all grantees to improve facilities and

92 destinations visited by in-state and out-of-state travelers shall provide a match based on a
93 graduated formula determined by the Massachusetts office of travel and tourism; provided
94 further, that grant recipients shall be required to measure and report on return-on-investment data
95 after the expenditure of grant funds; provided further, that the program shall prioritize socially or
96 economically disadvantaged businesses, which may include, but shall not be limited to, minority-
97 owned, women-owned, veteran-owned, and immigrant-owned small businesses, that have
98 historically faced obstacles accessing capital; provided further, that grants shall be awarded in a
99 manner that promotes geographic equity; and provided further, that not less than \$4,000,000
100 shall be allocated to regional tourism councils in order to provide regional advertising, public
101 relations and other marketing initiatives that will promote in-state tourism and encourage the
102 upholding of necessary public health and social distancing protocols relative to the 2019 novel
103 coronavirus pandemic.....\$14,000,000

104 7002-8031 For a program to provide assistance to projects that will improve, rehabilitate or
105 redevelop blighted, abandoned, vacant or underutilized properties to achieve the public purposes
106 of eliminating blight, increasing housing production, supporting economic development projects,
107 increasing the number of commercial buildings accessible to persons with disabilities and
108 conserving natural resources through the targeted rehabilitation and reuse of vacant and
109 underutilized property; provided, that such assistance shall take the form of a grant or a loan
110 provided to a municipality or other public entity, a community development corporation, non-
111 profit entity or for-profit entity; provided further, that eligible uses of funding shall include, but
112 not be limited to, improvements and additions to or alterations of structures and other facilities
113 necessary to comply with requirements of building codes, fire or other life safety codes and
114 regulations pertaining to accessibility for persons with disabilities, where such code or regulatory
115 compliance is required in connection with a new commercial residential or civic use of such
116 structure or facility, and the targeted removal of existing underutilized structures or facilities to
117 create or activate publicly-accessible recreational or civic spaces; provided further, that funding
118 shall be awarded on a competitive basis in accordance with guidelines developed by the agency;
119 provided further, that financial assistance offered pursuant to this line item may be administered
120 by the executive office through a contract with the Massachusetts Development Finance Agency
121 established by section 2 of chapter 23G; provided further, that the executive office or the
122 Massachusetts Development Finance Agency may establish additional program requirements
123 through regulations or policy guidelines; provided further, that financial assistance offered
124 pursuant to this item shall be awarded, to the extent feasible, in a manner that reflects geographic
125 and demographic diversity and social, racial, and economic equity within the commonwealth;
126 and provided further, that program funds may be used for the reasonable costs of administering
127 the program not to exceed 5 per cent of the total assistance made during the fiscal year
128\$40,000,000

129 7002-8032 For grants and technical assistance to be made to municipalities and regional
130 applicants to support planning and locally-driven initiatives related to community development,

housing production, workforce training and economic opportunity, childcare and early education initiatives and climate resilience initiatives, including nature-based solutions projects, that incorporate these elements, across the commonwealth within individual communities, regions or a defined subset of communities therein; provided, that funds may be expended for culturally competent and multi-lingual technical assistance and training to small businesses; provided further, that preference for these funds shall be given to businesses located in low- or moderate-income areas and owned by women, veterans, minorities or immigrants; and provided further, that grants shall be awarded in a manner that promotes geographic equity..... \$10,000,000

7002-8033 For an employment social enterprise capital grant program to be administered by the executive office of housing and economic development, in consultation with the executive office of labor and workforce development, for the development of eligible facilities for non-profit employment social enterprises that sell goods and services and enhance economic development; provided, that eligible applicants shall be non-profit organizations operating employment social enterprises targeting individuals facing significant barriers to employment; provided further, that grants to non-profits shall support costs associated with the acquisition of real property, the design, construction, repair, rehabilitation or renovation of an eligible facility and soft costs directly related to the development of an eligible facility; provided further, that eligible employment social enterprises shall offer paid employment opportunities to low-income individuals, with priority to socially and economically disadvantaged populations who experience complex needs and barriers to employment that require intensive interventions; provided further, that eligible organizations shall provide the following services for targeted individuals as an integrated part of their paid employment in a social enterprise: (i) outreach to targeted populations; (ii) on-the-job training and skill development, including worksite supervision and performance coaching; (iii) comprehensive supportive services for at least 1 year, including, but not limited to, case management, aimed at helping to overcome barriers to employment; (iv) assistance to obtain external employment; and (v) job retention services which includes follow up with beneficiaries for at least 1 year and employers to support job retention and advancement; provided further, that prioritization for grant awards shall be given to organizations: (a) targeting low-income communities specifically aimed at reducing social and economic inequities, including, but not limited to, inequities affecting individuals who have faced racial or ethnic prejudice; (b) serving high-risk populations that can demonstrate a significant social return on investment; and (c) providing goods and services that can demonstrate a positive community or environmental impact; provided further, that grants shall be awarded in a manner that promotes geographic, social, racial, and economic equity; and provided further, that not less than \$2,700,000 shall be expended to UTEC, Inc. for costs associated with the acquisition, design, construction and renovation of buildings to provide programming, training, instruction, manufacturing, distribution, retail or storage for the purpose of providing a pathway to social and economic success for high-risk young adults.....\$27,700,000

169 7002-8034 For the Commonwealth Zoological Corporation established in section 2 of chapter
170 92B of the General Laws, for costs associated with the preparation of plans, studies and
171 specifications, repairs, construction, renovations, improvements, maintenance, asset management
172 and demolition and other capital improvements including those necessary for the operation of
173 facilities operated by Zoo New England, including the Franklin Park Zoo and the Walter D.
174 Stone Memorial Zoo; provided, that not less than \$2,500,000 shall be used for construction and
175 be required to have a one-to-one match; provided further, that grants shall be awarded in a
176 manner that promotes geographic equity; and provided further, that Zoo New England shall
177 provide a matching amount equal to \$1 for every \$1 disbursed from this item....\$12,500,000

178 7002-8035 For the Massachusetts Growth Capital Corporation established in section 2 of chapter
179 40W of the General Laws, to provide working capital loans to small businesses severely
180 impacted by the 2019 novel coronavirus pandemic; provided, that funds shall include, but not be
181 limited to, employee payroll and benefit costs, mortgage interest, rent, utilities and interest on
182 other debt obligations; provided further, that loan amounts dispersed under this item shall not
183 require repayment if the loan recipient: (i) expends the entirety of the loan payment on employee
184 payroll and benefit costs, mortgage interest, rent, utilities and interest on other debt obligations
185 and not less than 60 per cent of the loan payment on payroll and benefit costs; (ii) maintains the
186 same or greater number of employees as the period prior to the governor's March 10, 2020
187 declaration of a state of emergency relative to the 2019 novel coronavirus pandemic; and (iii)
188 maintains employee wage or annual salary levels at not less than 75 per cent as the period prior
189 to the governor's March 10, 2020 declaration of a state of emergency relative to the 2019 novel
190 coronavirus pandemic; provided further, that priority in awarding grants shall be given to: (i)
191 businesses that serve areas of the commonwealth particularly impacted by the outbreak of the
192 2019 novel coronavirus pandemic; and (ii) businesses that have not received aid from federal
193 programs related to the 2019 novel coronavirus; provided further, that not less than \$20,000,000
194 shall be made available to minority-owned, women-owned immigrant-owned, and veteran-
195 owned businesses; provided further, that loans shall be awarded in a manner that promotes
196 geographic equity; and provided further, that not later than April 1, 2021, the Massachusetts
197 Growth Capital Corporation shall submit a report to the house and senate committees on ways
198 and means detailing: (i) loan recipients; (ii) loan amounts by recipient; and (iii) any additional
199 criteria considered in the awarding of loans and in determining loan forgiveness.\$30,000,000

200 7002-8036 For local economic development projects; provided, that not less than \$500,000 shall
201 be expended to the Boch Center for capital improvements needed to safely reopen the Wang and
202 Shubert theatres located in the city of Boston; provided further, that not less than \$500,000 shall
203 be expended for the department of veterans' services to develop and operate a 3-year pilot
204 program to assist veterans and members of the Massachusetts National Guard in transitioning
205 their military skill sets into civilian skill sets; provided further, that the program shall focus on
206 priorities including, but not limited to: (i) assisting veterans and members of the Massachusetts
207 National Guard in navigating applicable professional licensure requirements; (ii) providing

208 analysis of veterans' and members' of the Massachusetts National Guard current skill sets; and
209 (iii) matching military skill sets with civilian workforce skill sets, particularly in those areas of
210 the civilian workforce with a need for additional skilled workers; provided further, that the
211 department shall submit annual reports to the clerks of the senate and the house of
212 representatives, the joint committee on veterans and federal affairs, the joint committee on labor
213 and workforce development and the house and senate committees on ways and means detailing
214 the results of the pilot program including, but not limited to: (a) the number of veterans placed in
215 civilian jobs; (b) the number of women veterans participating in the program; (c) the types of
216 jobs veterans were placed in; (d) the number of veterans who required assistance with navigating
217 professional licensure requirements; (e) the efficacy of the pilot program in assisting veterans in
218 finding civilian employment; and (f) an analysis of remaining barriers facing veterans
219 transitioning to civilian jobs; provided further, that at the conclusion of the 3-year pilot program,
220 the annual report shall also include any draft legislation or recommendations for funding to
221 continue or improve the program; provided further, that not less than \$300,000 shall be expended
222 for the removal of a blighted structure on Main street, in the town of Ware; provided further, that
223 not less than \$250,000 shall be expended for Springfield Neighborhood Housing Services, Inc. in
224 the city of Springfield for capitalization of the revolving loan funds program; provided further,
225 that not less than \$250,000 shall be expended for Revitalize CDC in the city of Springfield for
226 the GreenNFit Neighborhood Rebuild program; provided further, that not less than \$200,000
227 shall be expended for improvements to telecommunications and electric infrastructure in order to
228 facilitate the extension of internet service infrastructure to properties on Pamet Point road, Old
229 County road and Bound Brook Island road in the towns of Wellfleet and Truro; provided further,
230 that not less than \$500,000 shall be expended in equal amounts to the towns of Avon, Braintree,
231 Canton, East Bridgewater, Easton, Milton, Randolph, Sharon, Stoughton and West Bridgewater
232 for local economic development projects; provided further, that not less than \$400,000 shall be
233 equally expended for business development, infrastructure and streetscape improvements to the
234 towns of Abington, Holbrook, Rockland and the city known as the town of Braintree; provided
235 further, that not less than \$500,000 shall be expended for costs associated with establishing a
236 health and life science center at Greenfield Community College, including, but not limited to,
237 design and engineering studies, that will support the expansion of the health science workforce;
238 provided further, that not less than \$100,000 shall be expended for business development,
239 infrastructure and streetscape improvements in Wollaston center in the city of Quincy; provided
240 further, that not less than \$500,000 shall be expended for a downtown trolley implementation
241 pilot program between the city of Peabody and the city of Salem; provided further, that \$55,000
242 shall be expended to Lazarus House, Inc., for the construction, reconstruction and renovation of
243 the Holly Street Shelter to support self-sufficiency and housing stability; provided further, that
244 not less than \$1,000,000 shall be expended for the University of Massachusetts at Amherst to
245 establish new testing and piloting facilities and upgrade existing facilities and equipment for the
246 advancement of water technology and testing; provided further, that \$100,000 shall be expended
247 to Lazarus House, Inc. for renovations to their soup kitchen to improve their respite and

248 supportive services for the purpose of providing a pathway to social and economic success to
249 low-income or homeless residents of the Greater Merrimack Valley; provided further, that not
250 less than \$100,000 shall be expended for urban and community forestry greening in the city of
251 Malden; provided further, that not less than \$300,000 shall be expended for the department of
252 housing and community development to create a Cape Cod and Islands Covid-19 Workforce
253 Housing Relief Fund to be managed and administered by the Housing Assistance Corporation to
254 provide funds for any combination of property acquisition, soft costs or gap construction funding
255 in order to develop housing for low-to-moderate income year-round residents of Cape Cod,
256 Martha's Vineyard and Nantucket; provided further, that said fund shall have funds available for
257 expenditure for fiscal years 2021 to 2026, inclusive, based on a plan to be submitted by the
258 Housing Assistance Corporation in consultation with the Falmouth Housing Trust, Inc., the
259 Lower Cape Community Development Corporation, the Cape Cod commission, the Martha's
260 Vineyard commission, the town of Nantucket, the Island Housing Trust Corporation and
261 Housing Nantucket; provided further, that not less than \$250,000 shall be provided to the
262 Community Development Corporation of Southern Berkshire, Inc. for the remediation of 100
263 Bridge street in the town of Great Barrington; provided further, that not less than \$200,000 shall
264 be expended for the Berkshire Family Young Men's Christian Association, Inc. in the city of
265 Pittsfield for facility renovations; provided further, that not less than \$50,000 shall be provided to
266 the Senior Center Consortium representing the towns of Ashfield, Buckland and Shelburne and
267 the western Franklin county region for the project management and design of the renovation and
268 expansion of the senior center in the village of Shelburne Falls; provided further, that not less
269 than \$100,000 shall be expended for the planning, design and construction of municipal
270 buildings in the town of Wilmington; provided further, that not less than \$100,000 shall be
271 expended for economic development improvements on the state highway route 113 corridor
272 located in the towns of Groveland and West Newbury; provided further, that not less than
273 \$350,000 shall be expended for the town of Falmouth to administer a grant program to support
274 small businesses in reopening and resuming their operations by assisting in paying costs
275 associated with rent, utilities, staffing, insurance and the cost of required personal protection
276 equipment; provided further, that not less than \$250,000 shall be expended for Project Mission, a
277 non-profit organization dedicated to build and advance financial empowerment and self-reliance
278 among Latino and immigrant families; provided further, that not less than \$275,000 shall be
279 expended to the Newton Housing Authority in the city of Newton for the purpose of replacing in-
280 unit natural gas appliances, including stoves, ranges, dryers and water heaters, with electric
281 appliances; provided further, that not less than \$250,000 shall be expended for a feasibility study
282 to identify an optimal location and operational model for a parking structure within the transit-
283 oriented development district in the downtown section of the city of Attleboro; provided further,
284 that not less than \$250,000 shall be expended for the demolition, cleanup and development of the
285 former Attleboro Dye Works site located on Maple avenue adjacent to the Ten Mile river in the
286 town of Seekonk; provided further, that not less than \$75,000 shall be expended to the Wellesley
287 Housing Authority in the town of Wellesley for the purpose of replacing in-unit natural gas

288 appliances, including stoves, ranges, water heaters and dryers, with electric appliances; provided
289 further, that not less than \$5,000,000 shall be transferred to the aquaculture innovation fund
290 within the department of agricultural resources established in section 125 of chapter 128 of the
291 General Laws; provided further, that not less than \$200,000 shall be expended for tourism
292 development, including, but not limited to, signage and pedestrian accommodations, in the towns
293 of Essex, Manchester-by-the-Sea and Rockport and the city of Gloucester; provided further, that
294 not less than \$500,000 shall be expended to Salisbury Beach Partnership, Inc., a 501(c)(3) non-
295 profit organization, for the purchase and restoration of the historic carousel at Salisbury beach in
296 the town of Salisbury; provided further, that not less than \$165,000 shall be expended for the
297 planning, purchase and installation of electric vehicle charging stations in the town of Bedford;
298 provided further, that not less than \$165,000 be expended for the planning, purchase and
299 installation of electric vehicle charging stations in the city of Waltham; provided further, that not
300 less than \$165,000 shall be expended for the planning, purchase and installation of electric
301 vehicle charging stations in the town of Carlisle; provided further, that not less than \$500,000
302 shall be expended for the Massachusetts Biomedical Initiatives, Inc. to support academic-based
303 research and development, to raise scientific awareness and to support initiatives to increase
304 diversity in the fields of life sciences and biotechnology; provided further, that not less than
305 \$75,000 shall be expended for the Pilgrim Hall museum in the town of Plymouth to support
306 necessary capital improvements; provided further, that not less than \$500,000 shall be expended
307 to the city of Boston for activation, beautification and enhancements of public spaces in
308 commercial districts and for the expansion of the ReStore program to include indoor
309 improvements and capital needs for small businesses associated with reopening during the 2019
310 novel coronavirus; provided further, that not less than \$75,000 shall be expended for the
311 Plymouth Antiquarian Society to support necessary capital improvements; provided further, that
312 not less than \$300,000 shall be expended to the town of Maynard for traffic control measures at
313 the Assabet River rail trail crossing; provided further, that not less than \$325,000 shall be
314 expended to the Neponset River Regional Chamber for businesses in the town of Norwood that
315 were impacted by the June 28, 2020 rainstorm; provided further, that not less than \$125,000 shall
316 be expended for the Bussey Brook Boardwalk as part of the Roslindale Gateway Path project
317 located in the Roslindale section of the city of Boston; provided further, that not less than
318 \$50,000 shall be expended for the Roslindale Village Main Street, Inc. Wayfinding and
319 Placemaking Initiatives located in the Roslindale section of the city of Boston; provided further,
320 that not less than \$125,000 shall be expended for costs associated with the vocation technical
321 training program at the Blackstone Valley Education Hub; provided further, that not less than
322 \$100,000 shall be expended for costs associated with the renovation of the Milford Area
323 Chamber of Commerce office and the purchase of equipment, computers and software; provided
324 further, that not less than \$500,000 shall be expended equally to the city of Worcester and the
325 towns of Auburn, Grafton, Leicester, Millbury, Northbridge, Shrewsbury and Upton for
326 economic development purpose; provided further, that not less than \$100,000 shall be expended
327 to the town of Hudson for improvements to the Hudson Housing Authority community room;

provided further, that not less than \$250,000 shall be expended to design a waterfront park in the city of Chelsea; provided further, that not less than \$100,000 shall be expended for costs associated with the renovation of the Italian American World War II Veterans of the United States, Post No. 40, building in the town of Milford; provided further, that not less than \$78,000 shall be expended for Choices4Teens Mentoring Group Inc. in the city of Brockton to acquire, upgrade and maintain technology and equipment; provided further, that not less than \$75,000 shall be expended for costs associated with the repair of the Sacarrappa bridge in the town of Oxford; provided further, that not less than \$100,000 shall be expended to the town of Shirley for improvements to the War Memorial Building that comply with the federal Americans with Disabilities Act; provided further, that not less than \$100,000 shall be expended for an economic development master plan for the town of Sterling; provided further, that not less than \$50,000 shall be expended for the celebration of the Schooner Ernestina-Morrissey return to the city of New Bedford in collaboration with the Massachusetts Maritime Academy, Schooner Ernestina-Morrissey Advisory Board, Schooner Ernestina-Morrissey Association, Inc., Cape Verdean Association in New Bedford, Inc. and the city of New Bedford; provided further, that not less than \$100,000 shall be expended for the Zeiterion Theatre in the city of New Bedford to safely and sustainably reopen to the public, including, but not limited to, for outdoor cultural events and concerts in downtown New Bedford; provided further, that not less than \$75,000 shall be expended for a land geo-technical feasibility study for economic development in the town of Westminster; provided further, that the unexpended balance in item 7066-8110 of chapter 113 of the acts of 2018 shall be made available for the purposes of renovating the University of Massachusetts at Dartmouth Star Store college of visual and performing arts campus in the city of New Bedford into a twenty-first century arts and design hub connecting downtown arts, commerce and entertainment to working waterfront venues and activities, including expanded mixed use at the New Bedford state pier; provided further, that funds shall be made available for immediate site readiness needs for mixed-use development at the New Bedford State Pier in the city of New Bedford in accordance with section 58 of chapter 228 of the acts of 2018; provided further, that such funds shall be in addition to the unexpended balance in item 6720-1350, as authorized in chapter 286 of the acts of 2014, to carry out the mixed-use development of the pier which may include, but shall not be limited to, water-dependent cargo, commercial fishing, marine transportation, marine educational facilities, fresh produce and seafood markets and other uses related to tourism and public recreation connecting the working waterfront to the arts and culture center in the downtown area of the city of New Bedford; provided further, that not less than \$100,000 shall be expended for costs associated with economic development projects in the town of Millville; provided further, that not less than \$250,000 shall be expended for capital improvements and technology upgrades for training, academic credit certificates and associate degree programs in high-demand fields for Springfield Technical Community College in the city of Springfield; provided further, that not less than \$500,000 be expended for a competitive grant program to be administered by the department of early education and care for licensed early education and care providers in the city of Attleboro and the towns of Franklin, Millis, Natick,

368 Needham, Norfolk, North Attleborough, Plainville, Sherborn, Wayland, Wellesley and
369 Wrentham for the purpose of defraying fixed operating costs and costs associated with
370 modifications to early education and care services necessitated by the COVID-19 public health
371 emergency to be awarded based on demonstrated financial need and current reopening status or
372 future plans to reopen during the pandemic; provided further, that not less than \$50,000 shall be
373 expended for improvements to the biology laboratory in Wilson hall at Westfield State
374 University in the city of Westfield; provided further, that not less than \$125,000 shall be
375 expended to Valley Opportunity Council, Inc., in the city of Chicopee for capital improvements
376 to facilities and technology used for the workforce development programs that it administers;
377 provided further, that not less than \$100,000 shall be expended for developing automated city
378 services in the city of Melrose; provided further, that not less than \$500,000 shall be expended
379 for a zero interest small business revolving loan fund to be administered by the South Eastern
380 Economic Development Corporation in the city of Taunton for small business owners for general
381 business purposes that have been impacted by COVID-19 in the towns of Berkley, Carver,
382 Dighton, Marion, Middleborough, Raynham and Wareham, the city of Taunton and the city
383 known as the town of Bridgewater; provided further, that not more than 12 per cent of the
384 amount appropriated in this item shall be retained by the South Eastern Economic Development
385 Corporation for technical loan services and for the administration of the program; provided
386 further, that not less than \$125,000 shall be expended to the Springfield Cultural Partnership
387 Incorporated in the city of Springfield for capital improvements to make upgrades to cultural and
388 arts programs to encourage tourism; provided further, that not less than \$300,000 shall be
389 expended to the city of Malden for economic development and environmental remediation
390 projects along the Malden river and Roosevelt park; provided further, that not less than \$100,000
391 shall be expended for improvements to the snack shack located at the South Common recreation
392 fields in the town of Berlin; provided further, that \$200,000 shall be expended to the city of
393 Lowell for economic development programming; provided further, that not less than \$100,000
394 shall be expended for expanded wireless internet service in the city of Gardner; provided further,
395 that \$100,000 shall be expended to the town of Westford for economic development
396 programming; provided further, that \$50,000 shall be expended to the town of Groton for
397 economic development programming; provided further, that \$50,000 shall be expended to the
398 town of Pepperell for economic development programming; provided further, that not less than
399 \$200,000 shall be expended for the Massachusetts Veterans and Warriors to Agriculture Program
400 Fund; provided further, that not less than \$250,000 shall be expended to construct a roadway
401 connector from Santilli highway to Rivergreen Business Park in the city of Everett; provided
402 further, that \$50,000 shall be expended to the town of Dunstable for economic development
403 programming; provided further, that not less than \$450,000 shall be expended to the towns of
404 Granville, Montgomery, Tolland and Russell for the expansion of broadband internet access;
405 provided further, that not less than \$10,000,000 shall be expended for a grant program
406 administered by the department of elementary and secondary education for community after
407 school and out-of-school time programs to support community partnerships, workforce training

408 and health and safety expenses related to the 2019 novel coronavirus in preparation for the 2020-
409 2021 school year; provided further, that not less than \$500,000 shall be expended for a
410 competitive grant program administered by the executive office of housing and economic
411 development for startup companies; provide further, that a "startup company" shall be defined as
412 a newly emerged business venture that aims to develop a viable business model to meet a
413 marketplace need; provided further, that the executive office shall promulgate parameters of
414 eligibility and guidelines for application to the grant program and that the program shall be open
415 for applications not later than December 1, 2020 and the funding shall be awarded to selected
416 applicants not later than July 1, 2021; provided further, that the executive office shall submit a
417 report to the clerks of the house and senate detailing the progress of the pilot program as well as
418 the economic results of the grants on the recipient startup companies not later than December 1,
419 2021; provided further, that not less than \$100,000 shall be expended for information technology
420 and broadband infrastructure improvements and upgrades along state highway route 79 and to
421 municipal buildings and structures in the town of Lakeville; provided further, that not less than
422 \$200,000 shall be expended for high-speed broadband infrastructure improvements and upgrades
423 to support businesses and economic development along Swansea Mall drive in the town of
424 Swansea; provided further, that not less than \$1,000,000 shall be expended for economic
425 development and housing infrastructure improvements in the Flint neighborhood area adjacent to
426 and along Pleasant street in the city of Fall River; provided further, that not less than \$500,000
427 shall be expended for economic development improvements in the Slade's Ferry Commercial
428 district in the town of Somerset; provided further, that not less than \$2,000,000 shall be
429 expended for grants supporting small businesses and workforce development programs in the
430 MetroWest region, including the cities of Framingham and Franklin and the towns of Ashland,
431 Holliston, Hopkinton, Medway and Natick; provided further, that not less than \$500,000 shall be
432 expended for renovations and improvements of the Agganis Sports Complex in the city of Lynn;
433 provided further, that not less than \$1,000,000 shall be expended for costs associated with, but
434 not limited to, design and engineering studies, acquiring and improving real property and other
435 costs for an advanced manufacturing research, development and small batch production
436 laboratory known as the Eruptor Lab in the town of Amherst; provided further, that not less than
437 \$500,000 shall be expended to fund capital improvements related to health and safety standards
438 for early childcare facilities at United South End Settlements in the city of Boston; provided
439 further, that not less than \$500,000 shall be expended for the Natick Center Associates, Inc. for
440 economic development in Natick center to assist in recovery from the combined effects of the
441 2019 fire and the 2019 novel coronavirus pandemic; provided further, that not less than \$150,000
442 shall be expended to the town of Millis for economic development; provided further, that not less
443 than \$150,000 shall be expended for the Sherborn Business Association, Inc. for revenue lost due
444 to the 2019 novel coronavirus pandemic; provided further, that not less than \$100,000 shall be
445 expended to the Center for Arts in Natick, Inc. for revenue lost due to the 2019 novel
446 coronavirus pandemic; provided further, that not less than \$300,000 shall be expended for the
447 executive office of housing and economic development to contract with a non-profit, which has a

448 proven model for engagement with no less than 5 years of experience establishing connections
449 between innovative products and Massachusetts-based manufacturers and suppliers, to build-out
450 programming that assists startups with preparing to scale manufacturing and sourcing their
451 supply chains to manufacturers from all regions in the commonwealth; provided further, that not
452 less than \$75,000 shall be expended to the South End Community Center of Springfield, Inc.
453 community youth corps program in the city of Springfield; provided further, that not less than
454 \$75,000 shall be expended to the town of Hudson for a pilot commuter shuttle service linking
455 employees to the Southborough commuter rail which makes stops in employment hubs such as
456 Boston, Worcester and Framingham; provided further, that not less than \$50,000 be expended to
457 the disability commission of the city of Framingham; provided further, that not less than
458 \$200,000 shall be expended for capital improvements to the Cabot theatre in the city of Beverly;
459 provided further, that not less than \$500,000 shall be expended to Greenfield Community
460 College for the development of a SIMS lab; provided further, that not less than \$500,000 shall be
461 expended for the Stationery Factory, LLC in the town of Dalton for accessibility improvements;
462 provided further, that not less than \$150,000 shall be expended to the community revitalization
463 fund run by the Greater Northampton Chamber of Commerce, Inc., the Florence Civic and
464 Business Assoc., Inc. and the Downtown Northampton Association to support losses by
465 Northampton, Florence and Leeds small businesses due to the 2019 novel coronavirus pandemic;
466 provided further, that not less than \$250,000 shall be expended to the town of Wakefield for
467 building refurbishments for the Albion cultural exchange to ensure accessibility to second-floor
468 artist lofts; provided further, that not less than \$100,000 shall be expended to the city of Melrose
469 for reconstruction of the friends parking lot in the downtown commercial district to support
470 transit-oriented housing development efforts; provided further, that not less than \$100,000 shall
471 be expended for All Aces, Inc. in the city of Boston to provide equitable relief relative to impacts
472 caused by the 2019 novel coronavirus pandemic; provided further, that not less than \$150,000
473 shall be expended for the New North Citizens Council, Inc. for youth and senior information
474 technology data instruction programming; provided further, that not less than \$25,000 shall be
475 expended for the New England Center for Arts and Technology, Inc. for career training in the
476 restaurant industry; provided further, that not less than \$100,000 shall be expended for
477 reimbursements for expenditures related to the 2019 novel coronavirus pandemic, including but
478 not limited to personal protective equipment, in the town of Ipswich; provided further, that not
479 less than \$100,000 shall be expended for the Kingston Business Association, Inc. for revenue
480 lost during the 2019 novel coronavirus pandemic; provided further, that not less than \$250,000
481 shall be expended for the historic restoration of the Governor Bellingham-Cary house in the city
482 of Chelsea; provided further, that not less than \$200,000 shall be expended for capital
483 improvements to the Charlestown Working Theater, Inc. in the Charlestown section of the city of
484 Boston; provided further, that not less than \$100,000 shall be expended for the Homeless
485 Prevention Council, Inc. in lower cape cod to support self-sufficiency and housing stability;
486 provided further, that not less than \$150,000 shall be expended for the Cape Cod commission for
487 the application and administration of early education funding and grants; provided further, that

488 not less than \$100,000 shall be expended for Smart from the Start, Inc. in the city of Boston;
489 provided further, that not less than \$150,000 shall be expended for economic development in the
490 town of Pembroke; provided further, that not less than \$400,000 shall be expended for the New
491 North Citizen Council, Inc. for a minority community down payment and closing costs
492 assistance program; provided further, that not less than \$350,000 shall be expended for the
493 Talking Information Center, Incorporated in the town of Marshfield to provide supports to radio
494 reading services for visually impaired and otherwise disabled listeners across Massachusetts;
495 provided further, that not less than \$50,000 shall be expended for funding to conduct a study to
496 investigate opportunities in the opportunity zones in the city of Framingham; provided further,
497 that not less than \$20,000 shall be expended for the Framingham History Center, Inc; provided
498 further, that not less than \$500,000 shall be expended for the blue economy initiative at the
499 University of Massachusetts at Dartmouth for the flume tank for ocean technology research and
500 development; provided further, that not less than \$100,000 shall be expended for infrastructure
501 improvements and federal Americans with Disabilities Act-compliant upgrades to the bathhouse
502 and boathouse at West beach located on West Rodney French boulevard in the city of New
503 Bedford; provided further, that not less than \$25,000 shall be expended for the town of Dracut
504 for investments in economic development; provided further, that not less than \$150,000 shall be
505 expended for the Wayside Inn Foundation in the town of Sudbury; provided further, that not less
506 than \$285,000 shall be expended for the study of improvements to and redevelopment of
507 commercial districts in the town of Brookline; provided further, that not less than \$56,000 shall
508 be expended for the Arlington Historical Society for maintenance, refurbishment, and
509 replacement of critical assets at the Jason Russell house and the Smith museum cultural
510 attractions; provided further, that not less than \$250,000 shall be expended for the town of
511 Belmont for costs associated with designs for the community path to connect town centers;
512 provided further, that not less than \$750,000 shall be expended for the Fitchburg State University
513 theater block renovations; provided further, that not less than \$250,000 shall be expended for the
514 New England Historic Genealogical Society for revenue lost during the 2019 novel coronavirus
515 pandemic; provided further, that not less than \$250,000 shall be expended for costs related to a
516 wastewater treatment facility in the town of Southborough; provided further, that not less than
517 \$150,000 shall be expended for changes in gas line sizing to increase capacity in the town of
518 Leicester; provided further, that not less than \$250,000 shall be expended for the Malden
519 department of public works to aid the purchase of new equipment; provided further, that not less
520 than \$50,000 shall be expended for the city of Malden to aid the purchase of new equipment for
521 the Malden fire department; provided further, that not less than \$50,000 shall be expended for
522 the city of Malden to aid the purchase of new safety equipment for the Malden police
523 department; provided further, that not less than \$1,000,000 shall be expended for the city of
524 Malden for repairs to public parking garages to continue to revitalize Malden center; provided
525 further, that not less than \$250,000 shall be expended for the city of Malden for federal
526 Americans with Disabilities Act-compliant upgrades to the Oak Grove community center;
527 provided further, that not less than \$75,000 shall be expended for marketing materials for the

528 promotion of a rural development district in the town of Leicester; provided further, that not less
529 than \$100,000 shall be expended for the establishment of an advanced manufacturing innovation
530 village in the village of Rochdale in the town of Leicester; provided further, that not less than
531 \$1,000,000 shall be expended for the city of Newton for the rehabilitation of the Gath memorial
532 pool; provided further, that not less than \$1,000,000 shall be expended for the towns of
533 Burlington and Bedford for use by each municipality to prepare unleased, pre-permitted
534 commercial space for use by the life science industry, including costs of planning and utilities;
535 provided further, that the funds shall be split evenly unless otherwise agreed by the
536 municipalities; provided further, that not less than \$100,000 shall be expended for the Worcester
537 urban agenda food hub of the Worcester regional chamber of commerce to provide targeted, in-
538 depth and hands-on support to diverse urban food entrepreneurs in the city of Worcester;
539 provided further, that not less than \$30,000 shall be expended for the Care Center of Holyoke;
540 provided further, that not less than \$100,000 shall be expended for the city of Pittsfield to use as
541 a site readiness grant to support the preparation of properties on Technology drive in Pittsfield
542 for commercial development and use; provided further, that not less than \$50,000 shall be
543 expended to the town of Great Barrington for a feasibility study for the merger of the Great
544 Barrington water district; provided further, that not less than \$100,000 shall be expended for land
545 acquisition for senior housing in the town of Lenox; provided further, that not less than \$150,000
546 shall be expended for the Wayland housing authority; provided further, that not less than
547 \$150,000 shall be expended for the Sudbury housing trust; provided further, that not less than
548 \$50,000 shall be expended to the Berkshire regional planning commission for a regional overlay
549 study of cell towers in Berkshire county; provided further, that not less than \$20,000 shall be
550 expended to Berkshire Grown, Inc. for a feasibility study for a meat processing facility in
551 Berkshire county; provided further, that not less than \$30,000 shall be expended to Girls Inc. of
552 the Valley for partnering with Holyoke public schools to provide STEM training through its
553 eureka program at the University of Massachusetts at Amherst; provided further, that not less
554 than \$35,000 shall be expended for economic development in the town of Grafton; provided
555 further, that not less than \$35,000 shall be expended for economic development in the town of
556 Northbridge; provided further, that not less than \$30,000 shall be expended for economic
557 development in the town of Upton; provided further, that not less than \$1,000,000 shall be
558 expended for the redevelopment of the downtown corridor in the town of Winchester; provided
559 further, that not less than \$1,000,000 shall be expended to the parks and recreation department of
560 the city of Newton to be combined with partnering funds from the city to support the design,
561 repair, renovation, improvement and construction of a modern facility at Crystal lake public
562 beach to replace the old bathhouse, to support tourism and recreational needs of Crystal lake;
563 provided further, that not less than \$500,000 shall be expended for the expansion of the Mary
564 Cruise Kennedy Senior Center in the city of Brockton; provided further, that not less than
565 \$500,000 shall be expended for maintenance, repairs and additions to the Brockton Cape
566 Verdean Association building; provided further, that not less than \$1,000,000 shall be expended
567 for the planning and development of a regional transit service in the town of Stoneham; provided

568 further, that not less than \$500,000 shall be expended for design funding for sewer, roadway and
569 pedestrian infrastructure improvement in the Easton Industrial Park in the town of Easton;
570 provided further, that not less than \$50,000 shall be expended for the revitalization, repair, and
571 electrical upgrades of the Robert Goddard Rocket and Fountain area in Goddard park in the town
572 of Auburn; provided further, that not less than \$250,000 shall be expended for free remote field
573 trip experiences for Massachusetts schools by the Boston Museum of Science on the topics of
574 science, technology, engineering and mathematics; provided further, that not less than \$250,000
575 shall be expended for, in consultation with the department of conservation and recreation,
576 renovations and improvements to the historic Stone Building in Hemlock Gorge in Wellesley to
577 establish a visitor center, including but not limited to: improvements to the interior and exterior
578 of the building, the building's immediate surroundings and the development of a paved trail from
579 the parking lot on Ellis street in Newton along Route 9 to the Stone building, connecting to the
580 sidewalk along the south side of Route 9 in Wellesley; provided further, that not less than
581 \$75,000 shall be expended for the Stoneham Historical Society, Inc. to increase remote access to
582 enhance and provide remote programming; provided further, that not less than \$50,000 shall be
583 expended for the renovation of the playground at the West Somerville Neighborhood school in
584 the city of Somerville; provided further, that not less than \$75,000 shall be expended for the
585 Winchester Historical Society, Inc. to increase remote access to enhance and provide remote
586 programming; provided further, that not less than \$250,000 shall be expended to support the
587 capital costs at the Colonel Floyd Apartments in the town of Brookline; provided further, that not
588 less than \$10,000 shall be expended for the Massachusetts Alliance for Portuguese Speakers
589 Framingham office; provided further, that not less than \$10,000 shall be expended for the
590 Framingham public schools drama department; provided further, that not less than \$500,000
591 shall be expended for a laundry facility at the Bunker Hill housing development in the
592 Charlestown section of Boston; provided further, that not less than \$10,000 shall be expended for
593 Downtown Framingham Inc.; provided further, that not less than \$10,000 shall be expended for
594 Amazing Things Arts Center, Inc; provided further, that not less than \$20,000 shall be expended
595 for the Ashland Community Theatre; provided further, that not less than \$10,000 shall be
596 expended for the city of Framingham for funding for professional and technical consultants in
597 order to undertake a downtown parking study; provided further, that not less than \$20,000 shall
598 be expended for the Ashland Historical Society; provided further, that not less than \$10,000 shall
599 be expended for the Ashland housing authority; provided further, that not less than \$100,000
600 shall be expended for the Weymouth Teen Center Jobs program; provided further, that not less
601 than \$50,000 shall be expended for the implementation of a parking management program in
602 downtown Reading; provided further, that not less than \$50,000 shall be expended for the town
603 of Scituate for economic development in the North Scituate business district; provided further,
604 that not less than \$50,000 shall be expended for technology upgrades to the Willis Ave
605 Community Center in the city of Medford; provided further, that not less than \$50,000 shall be
606 expended for cultural and educational programs for the senior center and the Ventress Memorial
607 Library of the town of Marshfield; provided further, that not less than \$15,000 shall be expended

608 for the Hitchcock Center for the Environment, Inc. in Amherst for expenses related to virtual
609 tours and educational programming; provided further, that not less than \$15,000 shall be
610 expended for The Eric Carle Museum of Picture Book Art, Inc. in Amherst for expenses related
611 to virtual tours and programming; provided further, that not less than \$15,000 shall be expended
612 for the National Yiddish Book Center, Inc. in Amherst for expenses related to virtual tours and
613 programming; provided further, that not less than \$20,000 shall be expended for the Amherst
614 Cinema Center, Inc. for revenue lost during the 2019 novel coronavirus pandemic and needed
615 modifications to ensure adherence to public health guidelines; provided further, that not less than
616 \$40,000 shall be expended for the Taunton Council on Aging for the purchasing of supplies and
617 hiring of qualified staff to increase program offerings to seniors in order to reduce social
618 isolation and improve health and mental health in respond to the 2019 novel coronavirus
619 pandemic; provided further, that not less than \$50,000 shall be expended for the Methuen
620 Arlington Neighborhood, Inc. for workforce development training for young men and women;
621 provided further, that not less than \$50,000 shall be expended for the Amherst Business
622 Improvement District, Inc. to provide economic relief to restaurants in distress as a result of the
623 2019 novel coronavirus pandemic health or economic crisis in the town of Amherst ; provided
624 further, that not less than \$75,000 shall be expended for the Methuen Arlington Neighborhood
625 District for shade and signage to promote local, small businesses; provided further, that not
626 less than \$75,000 shall be expended for The Downtown Amherst Foundation, Inc. in its efforts to
627 revitalize downtown Amherst; provided further, that not less than \$100,000 shall be expended
628 for the city of Lawrence for the rehabilitation of the handball court located at the corner of
629 Oxford street and Lowell street; provided further, that not less than \$125,000 shall be expended
630 for the Methuen Arlington Neighborhood, Inc. community center in the city of Methuen for
631 youth recreational programming; provided further, that not less than \$150,000 shall be expended
632 for the city of Watertown for business assistance grants for store redesign, outside seating and
633 other improvements to ensure safe business operations during the 2019 novel coronavirus
634 pandemic; provided further, that not less than \$150,000 shall be expended for a public facilities
635 planning study to result in new housing and economic development opportunities in the
636 downtown of the city of Methuen; provided further, that not less than \$200,000 shall be
637 expended to the town of Andover for upgrades to the Andover Senior Center; provided further,
638 that not less than \$250,000 shall be expended for strategic planning and pre-development
639 expenditures resulting in a mixed-use and historic preservation project at the Searles Estate in the
640 city of Methuen; provided further, that not less than \$250,000 shall be expended for the Amherst
641 Municipal Affordable Housing Trust to be used to develop and secure affordable housing;
642 provided further, that not less than \$250,000 shall be expended for the town of Amherst to use to
643 develop climate resilience affordable multi-family units, upon receiving LEED Gold or LEED
644 silver certification; provided further, that not less than \$300,000 shall be expended for the town
645 of Littleton for costs associated with the expansion of commuter parking at the Littleton
646 Massachusetts Bay Transportation Authority train station; provided further, that not less than
647 \$500,000 shall be expended for the city of Lawrence for the construction of a footbridge along

648 the Lawrence Rail Trail; provided further, that not less than \$450,000 shall be expended for a
649 gateway identification, signage, wayfinding and beautification program for economic
650 development districts in the city of Methuen; provided further, that not less than \$150,000 be ;
651 provided to the town of Braintree for economic development; provided further, that not less than
652 \$250,000 shall be expended for Northeastern University for equipment and infrastructure at its
653 Technology Research Center in Burlington; provided further, that not less than \$250,000 shall be
654 expended for design, construction and making safety and other improvements to roadways and
655 sidewalks, and to improve pedestrian and bicycle safety, including a crosswalk, at Soldiers Field
656 road at William F. Smith Playground in the city of Boston; provided further, that not less than
657 \$100,000 shall be expended for the Leo M. Birmingham Parkway Trust Fund which shall be
658 used for the purposes of advancing recreational, educational, and conservation interests
659 including, but not limited to, the maintenance of facilities and infrastructure improvements for
660 the parcel of land; provided further, that not less than \$150,000 shall be expended for the town of
661 Wilmington and its development committee for consultation services to develop, promote and
662 retain small businesses within the town of Wilmington; provided further, that not less than
663 25,000 shall be expended for Roslindale Village main streets in the city of Boston for training
664 and resources; provided further, that not less than \$1,500,000 shall be expended for Roca, Inc. to
665 provide and administer a transitional employment program to at-risk, court involved young
666 people and adults; provided further, that not less than \$1,000,000 shall be made available to the
667 Dorchester Bay Economic Development Corporation, in matching grants for low-income
668 housing developments in which at least 50 per cent of units are affordable; provided further, that
669 not less than \$1,000,000 shall be made available to the Codman Square Neighborhood
670 Development Corporation, in matching grants for low-income housing developments in which at
671 least 50 per cent of units are affordable; provided further, that not less than \$300,000 shall be
672 expended for the department of transitional assistance to establish a telephone hotline to provide
673 residents of the commonwealth information and consultation on program benefits, program
674 eligibility, application processes and intersectionality with other programs facilitated by agencies
675 including, but not limited to, the executive office of housing and economic development, the
676 executive office of labor and workforce development and the executive office of education;
677 provided further, that not less than \$500,000 shall be expended to establish an online platform in
678 order to conduct and provide services, communication and support for non-profits, charitable
679 organizations and other mission-oriented institutions impacted by the 2019 novel coronavirus
680 pandemic; provided further, that not less than \$2,000,000 shall be expended for grants to be
681 made available for seafood processing facilities for the purposes of mechanical or technological
682 upgrades necessary to: (i) combat the effects of the 2019 novel coronavirus pandemic on supply
683 chains, processing, distribution and sale of seafood products; (ii) limit the transmission of the
684 2019 novel coronavirus among the workforce; and (iii) undertake any further compliance
685 measures in response to executive orders issued related to the declaration of the state of
686 emergency beginning as of March 10, 2020; provided further, that not less than \$100,000 shall
687 be expended for the Canton housing authority for the renovation, reconstruction and

688 improvement of existing housing units under the authority's control; provided further, that not
689 less than \$1,000,000 shall be expended for the Massachusetts Food Trust Program established by
690 section 65 of chapter 23A of the General Laws; provided further, that not less than \$500,000
691 shall be expended for the office of travel and tourism to expand and promote agriculture tourism
692 in the aquaculture and cranberry industries; provided further, that not less than \$2,000,000 shall
693 be expended for the New North Citizen's Council, Inc. in Springfield for programming at the
694 Barbara Rivera Community Center, including youth programs, HIV outreach, family support,
695 disabled and the community welcome center, to help individuals from housing and food bank
696 programs; provided further, that not less than \$150,000 shall be expended for the town of
697 Tewksbury and its development committee for consultation services to develop, promote and
698 retain small businesses within the town of Tewksbury; provided further, that not less than
699 \$300,000 shall be expended for Taunton public schools for the adoption of a new English
700 language arts program to provide online access for students and families to address equity and
701 learning gaps; provided further, that no less than \$25,000 shall be expended for Mission Hill
702 Main Streets, Inc. in the city of Boston for training and resources; provided further, that not less
703 than \$1,000,000 shall be expended for the town of Arlington for the redesign of the Arlington
704 Heights Commercial Corridor; provided further, that not less than \$500,000 shall be expended
705 for the town of Arlington for improvements to Arlington center and Whittemore park; provided
706 further, that not less than \$500,000 shall be expended for the town of Arlington for the Arlington
707 workforce training program; provided further, that not less than \$400,000 shall be expended for
708 the town of Randolph to be used for business district revitalization efforts; provided further, that
709 not less than \$25,000 shall be expended to JP Centre and South Main Streets in the city of
710 Boston for training and resources; provided further, that not less than \$5,000,000 shall be
711 expended for the relocation of Springfield Technical Community College's Allied Health Service
712 Programs in Building 20 across Federal street to Building 103B at Springfield Technology Park,
713 operated by Springfield Technical Community College's Assistance Corporation, an eligible
714 public entity, as established by section 125 of chapter 273 of the acts of 1994, to address
715 infrastructure inadequacies in Building 20 and allow for the sustainability of important
716 healthcare programs that contribute to the regional workforce; provided further, that not less than
717 \$350,000 shall be expended for Commonwealth Kitchen, Inc. for the purpose of developing an
718 economic development recovery plan including regional market based strategies to address food
719 access and security in gateway municipalities, as defined in section 3A of chapter 23A of the
720 General Laws, and Boston, including but not limited to, assessing infrastructure and food chain
721 gaps; provided further, that not less than \$400,000 shall be expended to the town of Milton to be
722 used for overlay district revitalization efforts; provided further, that not less than \$250,000 shall
723 be expended to create a pilot Sibling Cities Youth Work Initiative program for the design,
724 planning, and implementation of a tri-community jobs creation and training effort wherein the
725 city of Boston, city of Haverhill and town of Lexington shall collaborate on a pilot in pairing and
726 matching employers with underprivileged youth and young adults; provided further, that not less
727 than \$25,000 shall be expended to Three Square Main Streets JP in the city of Boston for training

728 and resources; provided further, that no less than \$200,000 shall be expended for the town of
729 Clinton for parking solutions for older housing stock in the downtown area; provided further,
730 that not less than \$25,000 shall be expended for the Allston Village Main Streets, Inc. for the
731 beautification of the Allston and Brighton business district; provided further, that not less than
732 \$100,000 shall be expended for The Megan House Foundation, Inc. in conjunction with The
733 Bridge Club of Greater Lowell to be expended for the purpose of the Career Success in Sobriety
734 program; provided further, that not less than \$50,000 shall be expended for local economic
735 development in the town of Holliston; provided further, that not less than \$200,000 shall be
736 expended to the Clinton housing authority for Presentation Apartments to improve building
737 quality; provided further, that not less than \$300,000 shall be expended for the town of Lancaster
738 to be used for the creation of a new well system to help alleviate town water shortage; provided
739 further, that not less than \$750,000 shall be expended to CitySpace Easthampton for the
740 renovation of Old Town Hall; provided further, that not less than \$1,000,000 shall be expended
741 for the MassChallenge technology incubator; provided further, that not less than \$1,000,000 shall
742 be expended for the city of Revere for investments in economic development; provided further,
743 that not less than \$1,000,000 shall be expended for town of Winthrop for investments in
744 economic development; provided further, that not less than \$1,000,000 shall be expended for
745 infrastructure improvements to parks and open space in the city of Medford; provided further,
746 that not less than \$1,000,000 shall be expended for parking improvements and economic
747 development opportunities for Medford square in the city of Medford; provided further, that not
748 less than \$1,000,000 shall be expended for parking improvements and economic development
749 opportunities for West Medford square in the city of Medford; provided further, that not less than
750 \$250,000 shall be expended for the West Medford Community Center in the city of Medford;
751 provided further, that not less than \$1,500,000 shall be expended for capital improvements for
752 the Needham housing authority; provided further, that not less than \$4,000,000 shall be
753 expended for the Shaw Wharf Pier in the city of Boston; provided further, that such funds shall
754 be disbursed upon a match of not less than \$1 in private contributions for every \$1 in state grant
755 funding; provided further, that not less than \$100,000 shall be expended for infrastructure
756 including public sewer improvements towards the construction of the Power Mill Place
757 affordable housing development in the town of Acton; provided further, that not less than
758 \$100,000 shall be expended for infrastructure improvements for economic development at Depot
759 square in the town of Ayer; provided further, that not less than \$250,000 shall be expended for
760 the Island Housing Trust on the island of Martha's Vineyard for wastewater remediation in
761 housing development; provided further, that not less than \$5,000,000 shall be expended to the
762 New England Aquarium Corporation for costs associated with the preparation of plans, studies
763 and specifications, repairs, construction, renovations, maintenance, asset management and
764 demolition and other capital improvements including those necessary for the operation of
765 facilities operated by the New England Aquarium Corporation on Central wharf in the city of
766 Boston; provided further, that not less than \$200,000 shall be expended to the Brookline Housing
767 Authority in the town of Brookline for the purpose of modernizing kitchens including

replacement of in-unit natural gas appliances, including stoves, ranges, water heaters and dryers, with electric appliances; provided further, that not less than \$1,000,000 shall be expended to the city of Newton for the construction of the Newton Center for Active Living; provided further, that not less than \$500,000 shall be expended to the department of housing and community development to distribute as grants to any provider of temporary housing assistance, including, but not limited to, family shelters, shelters for adults, hotels or motels used for emergency shelter, emergency apartments, domestic violence shelters, runaway and homeless youth shelters or safe houses for refugees, for the purpose of providing and installing dispensers for disposable menstrual products, including, but not limited to, sanitary napkins, tampons and panty liners at no cost to menstruating individuals; provided further, that the products shall be available in a convenient manner that does not stigmatize any persons seeking such products; provided further, that not less than \$100,000 shall be expended for an economic development grant for the downtown area in the town of North Reading; provided further, that not less than \$180,000 shall be expended to the Center for Women and Enterprise for the design, planning and construction of a new innovation center in the city of Brockton; provided further, that not less than \$150,000 shall be expended for the construction and expansion of a deck and hospitality area at the clubhouse at the D.W. Field golf course in the city of Brockton; provided further, that not less than \$100,000 shall be expended for the replacement and repair of roads within D.W. Field park in the city of Brockton; provided further, that not less than \$100,000 shall be expended for life sciences planning and zoning in the city of Brockton; provided further, that not less than \$350,000 shall be expended for infrastructure improvements, upgrades for compliance with the federal Americans with Disabilities Act, safety code compliance and the rehabilitation and renovation of the historical building serving as the Cape Verdean Veterans Memorial Hall in the city of New Bedford; provided further, that not less than \$300,000 shall be expended for the planning, design, development, and construction of a recreational area at 40 to 48 Geneva avenue, inclusive, in the Grove Hall section in the city of Boston; provided further, that not less than \$100,000 shall be expended for downtown storefront revitalization for the city of Leominster; provided further, that not less than \$100,000 shall be expended to fund capital improvements and construction related costs for the development of a new facility operated by Harvard Street Neighborhood Health Center Inc., a federally qualified health center, on Blue Hill avenue in the city of Boston; provided further, that not less than \$750,000 shall be expended for capital improvements to the "Z" building at the Dimock Center in the city of Boston to provide additional clinical stabilization services; and provided further, that not less than \$50,000 shall be expended to the town of Tyngsborough for economic development programming.....\$102,304,000

7002-8037 For capital grants or other financial assistance for urban farms; provided, that "urban farms" shall mean any real estate or a portion thereof in agricultural, horticultural or agricultural and horticultural use that is not more than 2 acres in area; provided further, that each grant recipient's gross sales of agricultural, horticultural or agricultural and horticultural products resulting from such uses together shall total not less than \$500 in the previous year; provided

808 further, that grant recipients shall be located in a city or town that: (i) has a population of not less
809 than 50,000 inhabitants; or (ii) meets the definition of a gateway municipality under section 3A
810 of chapter 23A of the General Laws; and provided further, that grants shall be awarded in a
811 manner that promotes geographic, social, racial, and economic
812 equity.....\$2,000,000

813 7002-8038 For a program to provide financial and capital assistance to restaurants impacted by
814 the 2019 novel coronavirus; provided, that said program shall be administered by the executive
815 office of housing and economic development; provided further, that grants may be used for, but
816 shall not be limited to, capital projects or equipment purchases necessary to uphold necessary
817 public health and social distancing protocols for customers and staff related to the 2019 novel
818 coronavirus pandemic; provided further, that grants may be used for, but shall not be limited to,
819 employee payroll and benefit costs, mortgage interest, rent, utilities and interest on other debt
820 obligations; provided further, that the executive office shall prioritize independently owned and
821 operated restaurants, seasonal restaurants and geographic equity when establishing the program
822 criteria; provided further, that the program shall prioritize socially or economically
823 disadvantaged businesses, which may include, but shall not be limited to, minority-owned,
824 women-owned, veteran-owned, and immigrant-owned small businesses, that have historically
825 faced obstacles accessing capital; and provided further, that grants shall be awarded in a manner
826 that promotes geographic equity.....\$20,000,000

827 SECTION 2A.

828 TREASURER AND RECEIVER GENERAL

829 Lottery Commission

830 0640-0100 For costs associated with information technology projects at the state lottery
831 commission.....\$15,000,000

832 Massachusetts Cultural Council

833 0640-0303 For a competitive grant program to be administered by the Massachusetts cultural
834 council to: (i) promote artists, among all disciplines and sectors, including, arts, humanities and
835 sciences, in creating new mediums to showcase their art, including showcasing their work in a
836 variety of media formats and platforms, including, video, audio and interactive platforms; and
837 (ii) promote local museums in the commonwealth, to showcase their exhibits and events by using
838 remote access, including, video, audio and interactive platforms; provided, that funds may be
839 used to assist artists to enhance and expand remote media platforms in response to the outbreak
840 of the 2019 novel coronavirus, also known as COVID-19; provided further, that the funds may
841 be used to increase remote access to enhance and provide remote programming and operations
842 by local museums; provided further, that the Massachusetts cultural council shall determine the

criteria to evaluate applications for the grant program; provided further, that the criteria shall promote remote access to cultural experiences, including new operation and programming models within the arts, humanities and sciences; provided further, that the criteria shall include, but not be limited to, the commitment by the artists and museums to improve and diversify access to remote cultural experiences, the artists and museums having the knowledge and skill to develop and implement the remote media platforms; provided further, that the criteria shall prioritize local artists, local museums, local performing arts organizations, local performance venues, and other arts and cultural non-profit organizations in the commonwealth, including, small to mid-sized museums; and provided further, that grants shall be awarded in a manner that promotes geographic, social, racial, and economic equity..\$6,000,000

0640-0304 For a competitive grant program to be administered by the Massachusetts cultural council, in consultation with the department of elementary and secondary education, to assist public school districts in providing access to cultural experiences in the community, including arts, humanities and sciences, through the use of information technology to provide remote experiences; provided, that the funds may be used to reimburse the costs incurred by school districts providing remote cultural experiences in response to the outbreak of the 2019 novel coronavirus, also known as COVID-19; provided further, that the Massachusetts cultural council, in consultation with the department of elementary and secondary education, shall determine criteria used to evaluate applications for the grant program; provided further, that the criteria shall promote access to cultural experiences, including, arts, humanities and sciences, for public school districts; provided further, that the criteria shall include, but not be limited to, school districts using creative means to educate students during the outbreak of COVID-19 in place of school field trips and the ease of student access to the remote cultural experience; and provided further, that grants shall be awarded in a manner that promotes geographic, social, racial, and economic equity...\$5,000,000

0640-0305 For a non-profit infrastructure and equipment grant program administered by the Massachusetts cultural council; provided, that grants shall be awarded on a competitive basis to non-profit arts, cultural and tourism institutions and organizations that temporarily suspended in-person public attendance due to the 2019 novel coronavirus pandemic; provided further, that grants shall be awarded to assist institutions with infrastructure costs necessary to safely and sustainably reopen to the public while upholding necessary public health and social distancing protocols relative to the 2019 novel coronavirus pandemic; provided further, that the following criteria shall be used in prioritizing grant awards: (i) capital improvements and equipment purchases deemed critical to safeguard institution staff, volunteers and exhibitions; (ii) capital improvement and equipment purchases deemed critical to safely allow public attendance; (iii) relative financial need of the applying institution; (iv) geographic, social, racial, and economic diversity of grant recipients; (v) diversity of type of organizations or institutions receiving funding; and (vi) the likelihood that one-time infrastructure and equipment assistance will enable the institution to reopen safely and sustainably; and provided further, that the Massachusetts

882 cultural council shall report to the chairs of the house and senate committees on ways and means
883 and the chairs of the joint committee on tourism, arts and cultural development on the process
884 and criteria for grant selection not less than 30 days before awarding grants.....\$20,000,000

885 JUDICIARY

886 Trial Court

887 1102-5702 For costs associated with information technology capital improvements at the trial
888 court to support the provision of virtual mediation services; provided, that funding shall be
889 awarded in a manner that promotes geographic equity...\$15,000,000

890 EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT

891 Department of Housing and Community Development

892 7004-0059 For state financial assistance in the form of grants or loans to accelerate and support
893 the creation of low-income and moderate-income housing in close proximity to transit nodes;
894 provided, that the program shall be administered to: (i) maximize the amount of affordable
895 residential and mixed-use space in close proximity to transit nodes, resulting in higher density,
896 compact development and pedestrian-friendly, inclusive and connected neighborhoods; (ii)
897 increase mass transit ridership; (iii) decrease traffic congestion and reduce greenhouse gas
898 emissions; and (iv) increase economic opportunity for disadvantaged populations by making it
899 easier for residents of affordable housing to access public transportation, including transportation
900 supporting commutes to employment centers; provided further, that entities eligible to receive
901 financial assistance shall include governmental bodies, community development corporations,
902 local housing authorities, community action agencies, community-based or neighborhood-based
903 non-profit housing organizations, other non-profit organizations and for-profit entities; provided
904 further, that financial assistance provided pursuant to this section shall be made on a competitive
905 basis, with preference for projects in communities disproportionately impacted by the 2019 novel
906 coronavirus health and economic crisis; provided further, that grants shall be awarded in a
907 manner that promotes geographic, social, racial, and economic equity; provided further, that
908 funds may be used to assist units occupied by and affordable to persons with incomes not more
909 than 110 per cent of the area median income as defined by the United States Department of
910 Housing and Urban Development with priority given to projects that provide higher and deeper
911 levels of affordability; provided further, that not less than 25 per cent of the occupants of housing
912 in projects assisted by this item shall be persons whose income is not more than 60 per cent of
913 the area median income as defined by the United States Department of Housing and Urban
914 Development; provided further, that financial assistance offered pursuant to this item may be
915 administered by the department of housing and community development through a contract with
916 the Massachusetts Housing Partnership Fund, established in section 35 of chapter 405 of the acts
917 of 1985, which in turn may directly offer financial assistance for the purposes set forth herein or

918 may enter into subcontracts with non-profit organizations established pursuant to chapter 180 of
919 the General Laws for the purposes herein; provided further, that the department may provide
920 financial support to non-profit and for-profit developers that enter into binding agreements to set
921 aside residential units in market-rate, transit-oriented housing, over and above any units required
922 to be set aside under local zoning or approvals, for rent or sale to income-qualified households at
923 affordable rents or sale prices, as applicable; and provided further, that the department may
924 establish additional program requirements through regulations or policy guidelines
925\$50,000,000

926 7004-0064 For financial assistance to accelerate and support the creation and preservation of
927 sustainable and climate resilient affordable multifamily housing; provided, that such financial
928 assistance shall be made to: (i) incorporate efficient, sustainable and climate-resilient design
929 practices in affordable residential development to support positive climate mitigation outcomes;
930 (ii) reduce greenhouse gas emissions and reliance on fossil fuels; (iii) increase resiliency of
931 existing housing developments to mitigate impacts of climate change, including flooding and
932 extreme temperatures; and (iv) enhance emergency preparedness, including sustainable means of
933 power generation to allow for sheltering vulnerable populations in place; provided further, that
934 financial assistance shall be made available on a competitive basis to community development
935 corporations, local housing authorities, community action agencies, community-based or
936 neighborhood-based non-profit housing organizations, other non-profit organizations and for-
937 profit entities; provided further, that funds may be used to assist units occupied by and affordable
938 to persons with incomes not more than 110 per cent of the area median income as defined by the
939 United States Department of Housing and Urban Development with priority given to projects
940 that provide higher and deeper levels of affordability; provided further, that not less than 25 per
941 cent of the occupants of housing in projects assisted by this item shall be persons whose income
942 is not more than 60 per cent of the area median income as defined by the United States
943 Department of Housing and Urban Development; provided further, that financial assistance shall
944 be awarded in a manner that promotes geographic, social, racial, and economic equity provided
945 further, that financial assistance provided pursuant to this section may be administered by the
946 department of housing and community development through contracts with the Massachusetts
947 Housing Partnership Fund, established in section 35 of chapter 405 of the acts of 1985, the
948 Massachusetts Housing Finance Agency, established in chapter 708 of the acts of 1966, or both,
949 which authorities may directly offer financial assistance for the purposes set forth herein or may
950 enter into subcontracts with non-profit organizations established pursuant to chapter 180 of the
951 General Laws for those purposes; and provided further, that the administering agency may
952 establish additional program requirements through regulations or policy guidelines...\$10,000,000

953 7004-0065 For state financial assistance to cities and towns or agencies, boards, commissions,
954 authorities, departments or instrumentalities thereof or community development corporations or
955 non-profit organizations to assist in the revitalization of neighborhoods and communities with
956 properties in blighted or substandard conditions by subsidizing the purchase price, borrowing

957 costs or costs of demolition or renovation of up to 50 units of residential rental housing or 1 to 4
958 units of home ownership residential housing that have been cited for building or sanitary code
959 violations or that are subject to cancellation of commercial property insurance due to substandard
960 property conditions or are otherwise blighted or substandard; provided, that contracts entered
961 into by the department of housing and community development for those projects may include,
962 but shall not be limited to, projects providing for demolition, renovation, remodeling,
963 reconstruction, redevelopment and hazardous material abatement, including asbestos and lead
964 paint, and for compliance with state codes and laws and for adaptations necessary for compliance
965 with the federal Americans with Disabilities Act of 1990; provided further, that preference shall
966 be given to community development corporations and local non-profit organizations,
967 organizations sponsoring projects that secure private funds and projects with the greatest impact
968 on community stabilization in weak markets including, but not limited to, rural communities and
969 communities that have been disproportionately affected by the 2019 novel coronavirus
970 pandemic, disinvestment, foreclosure and abandonment; provided further, that financial
971 assistance shall be awarded in a manner that promotes geographic, social, racial, and economic
972 equity; provided further, that such rehabilitated housing shall remain affordable for such period
973 as shall be established by the department through guidance taking into account differences in
974 market conditions and the type of restrictions best suited to promoting community stabilization
975 in different markets; and provided further, that an amount not to exceed 2 per cent of the amount
976 expended may pay for administrative costs directly attributable to the purposes of this program,
977 including costs of support personnel.....\$50,000,000

978 7004-0066 For a gateway city housing pilot program to support the construction of shovel-ready,
979 market-rate housing opportunities in gateway municipalities, as defined in section 3A of chapter
980 23A of the General Laws, by providing funding in an amount not more than 150 per cent of the
981 maximum housing development incentive program tax credit under chapter 40V of the General
982 Laws; provided, that awards to projects shall be awarded to: (i) communities that have satisfied
983 the 10 per cent affordable housing stock requirements under chapter 40B of the General Laws;
984 (ii) non-profit developers; (iii) new construction or market rate apartment rentals or
985 homeownership; (iv) projects that are ready to commence construction within 6 months of
986 approval; and (v) projects that are located in a zoning area that permits high density housing such
987 as a transformative development initiative district, waterfront or a zoning overlay district such as
988 those permitted under chapter 40R of the General Laws; provided further, that funding shall be
989 awarded in a manner that promotes geographic, social, racial, and economic equity; and provided
990 further, that a developer's fee under the program would be deferred by 33 per cent with positive
991 net cash flow from the development to be split with the commonwealth on an equal basis after
992 payment of any first mortgage permanent financing\$5,000,000

993 EXECUTIVE OFFICE OF EDUCATION

994 Department of Elementary and Secondary Education

995 7035-2020 For capital grants to vocational technical schools to expand operating capacities;
996 provided, that grants shall be administered by the department of elementary and secondary
997 education on a competitive basis to vocational technical schools; provided further, that grants
998 may be used for building expansions and renovations, as well as equipment purchases; provided
999 further, that prioritization for grant awards shall be given to, but not limited to, vocational
1000 technical schools: (i) with significant waiting lists; (ii) offering programs focused on industries
1001 and careers disproportionately impacted by the 2019 novel coronavirus pandemic; and (iii)
1002 serving students from gateway municipalities as defined in section 3A of chapter 23A of the
1003 General Laws or municipalities with high proportions of low-income and non-English or limited-
1004 English speaking populations; provided further, that the department shall award grants in a
1005 manner that promotes geographic, social, racial, and economic equity; and provided further, that
1006 the department shall submit to the chairs of the house and senate committees on ways and means
1007 a report detailing the criteria used to award grants not less than 30 days before awarding said
1008 grants.....\$15,000,000

1009 Department of Higher Education

1010 7066-2020 For a grant program administered by the department of higher education to support
1011 career-oriented programs and initiatives at the community and municipal colleges to support
1012 training, academic credit certificates and associate degree programs in high-demand fields,
1013 including, but not limited to, healthcare and allied health, information technology and
1014 cybersecurity, or first-responder programs such as fire science, emergency medical technician
1015 and criminal justice; provided, that grant preference shall be given to support and expand
1016 programs and initiatives targeting high-demand fields disproportionately impacted by the 2019
1017 novel coronavirus pandemic; provided further, that grants shall be awarded in a manner that
1018 promotes geographic, social, racial, and economic equity; and provided further, that funding may
1019 be used for resources to recruit, retain and graduate students, including, but not limited to,
1020 technology tools such as software, licenses, laptops, curriculum development or student
1021 services.....\$15,000,000

1022 SECTION 3. Chapter 12 of the General Laws is hereby amended by adding the following
1023 section:-

1024 Section 35. (a) There shall be a student loan ombudsman within the office of the attorney
1025 general. The student loan ombudsman shall receive, review and assist in resolving complaints
1026 from student loan borrowers including, but not limited to, those concerning attempts to resolve
1027 complaints in collaboration with institutions of higher education, student loan servicers, the
1028 division of banks and any other participants in student loan lending.

1029 (b) The responsibilities of the ombudsman may include, but shall not be limited to, helping
1030 student loan borrowers: (i) explore repayment options; (ii) apply for federal income-driven
1031 repayment plans; (iii) avoid or remove a default; (iv) end wage garnishments, tax refund

1032 interceptions or benefit offsets; (v) resolve billing disputes with student loan servicers; (vi)
1033 obtain student loan details and information; (vii) stop harassing collection calls; and (viii) apply
1034 for loan discharges or forgiveness.

1035 The ombudsman shall prepare, make available or direct those seeking assistance to student loan
1036 borrower education presentations and materials regarding student loans. The presentations and
1037 materials shall include, but not be limited to, an explanation of: (i) key student loan terms; (ii)
1038 documentation requirements; (iii) monthly payment obligations; (iv) income-based repayment
1039 options; (v) student loan forgiveness; and (vi) disclosure requirements. The ombudsman shall
1040 make best efforts to inform public employees about the federal Public Service Loan Forgiveness
1041 Program and direct them to available information about the program.

1042 (c) Annually, not later than January 1, the ombudsman shall file a report on activities related to
1043 student loans and student loan servicers, as defined in section 1 of chapter 93L, with the clerks of
1044 the senate and house of representatives, the senate and house committees on ways and means and
1045 the joint committee on financial services.

1046 The report shall include, but not be limited to: (i) the number of complaints received by the
1047 ombudsman from student loan borrowers and the names of the student loan servicers against
1048 whom such complaints were filed; (ii) the types of complaints received by the ombudsman from
1049 student loan borrowers; (iii) the types of resolutions reached for complaints received; and (iv)
1050 recommendations to improve the effectiveness of the position of student loan ombudsman.

1051 The report shall also include an overview of any information received from the division of banks
1052 including, but not limited to: (i) the number of complaints received by the division of banks
1053 concerning student loans; (ii) the types of complaints received by the division of banks
1054 concerning student loans; (iii) the types of resolutions reached by the division of banks; and (iv)
1055 recommendations to improve the regulation, oversight and enforcement efforts of the division of
1056 banks with respect to student loan servicers. Information and data in the report shall be in an
1057 aggregate and de-identified format.

1058 (d) The ombudsman shall receive information from the division of banks to assist the
1059 ombudsman in fulfilling its duties under this section.

1060 SECTION 4. Section 6C of chapter 20 of the General Laws, as appearing in the 2018 Official
1061 Edition, is hereby amended by striking out, in line 3, the figure "17" and inserting in place
1062 thereof the following figure:- 18.

1063 SECTION 5. Said section 6C of said chapter 20, as so appearing, is hereby further amended by
1064 inserting after the word "designee", in line 17, the following words:- ; 1 of whom shall be an
1065 expert in healthy soils practices as defined in section 7A of chapter 128, appointed by the
1066 secretary of energy and environmental affairs.

1067 SECTION 6. Said section 6C of said chapter 20, as so appearing, is hereby further amended by
1068 inserting after the word "foods", in line 58, the following words:- , particularly those foods
1069 produced using healthy soils practices as defined in section 7A of chapter 128.

1070 SECTION 7. Subsection (d) of said section 6C of said chapter 20, as so appearing, is hereby
1071 further amended by inserting after the word "production", in line 70, the following words:-,
1072 particularly through practices that promote healthy soils as defined in section 7A of chapter 128.

1073 SECTION 8. Section 20 of chapter 21 of the General Laws, as so appearing, is hereby amended
1074 by adding the following 2 paragraphs:-

1075 (15) To assist in the development of a healthy soils program, as instructed by the director, to: (i)
1076 improve soil quality on lands utilized for commercial farming, suburban and urban lawns, yards
1077 and gardens, public and private forests, parks and other open or green spaces and non-paved
1078 outdoor areas of office complexes, mixed-use facilities, businesses, industries and colleges and
1079 other institutions; (ii) increase carbon sequestration or storage on such lands to help reduce
1080 harmful atmospheric greenhouse gases and the effects of climate change; and (iii) provide other
1081 measurable benefits, determined as applicable under the program to certain types of lands,
1082 related to climate change, plant growth, erosion control and water absorption and quality. The
1083 commission, in the development of the program or any significant change to the established
1084 program, if requested by the director, shall consult with 1 or more of the following organizations,
1085 as appropriate for the type of land intended to be covered under the program: (i) the department
1086 of agricultural resources; (ii) department of environmental protection; (iii) department of fish and
1087 game; (iv) the Nature Conservancy; (v) Massachusetts Forest Alliance Limited; (v) the
1088 Massachusetts Association of Conservation Districts, Inc.; (vi) Massachusetts Farm Bureau
1089 Federation, Incorporated; (vii) the National Resources Conservation Services within the United
1090 States Department of Agriculture; (viii) Massachusetts chapter of the Northeast Organic Farming
1091 Association; (ix) the University of Massachusetts Extension; (x) the University of Massachusetts
1092 at Amherst and (xi) any individual or other organization designated by the director.

1093 (16) To encourage and promote the use of healthy soils policies and practices by private and
1094 public landowners, including commercial farmers, and any assistance available to program
1095 participants, which may consist of grants, technical assistance or education on the benefits and
1096 implementation of healthy soils best practices, as the director may instruct, to achieve the
1097 purposes of the healthy soils program.

1098 SECTION 9. Chapter 23A of the General Laws is hereby amended by adding the following
1099 section:-

1100 Section 69. (a) The MOBD shall establish a micro business development center, in this section
1101 referred to as the center, which shall foster micro businesses in the commonwealth by providing
1102 resources, including information on available loans, grants and technical assistance. The center

1103 shall provide micro businesses with information and technical assistance related to aspects of
1104 micro business management, including but not limited to, (i) business plan development; (ii)
1105 technology development; (iii) lending assistance; (iv) market research support; and (v)
1106 procurement and contracting aid. For the purposes of this section the term "micro business" shall
1107 mean a business: (i) with no more than 5 employees; (ii) located in a city or town with 75 per
1108 cent of residents living under the federal poverty level; and (iii) with no more than \$200,000 in
1109 annual revenue.

1110 (b) The center shall advise the Massachusetts Growth Capital Corporation in the design,
1111 administration and disbursement of loans and grants to entrepreneurs in the commonwealth for
1112 low and moderate-income entrepreneurs who are forming, running or expanding microbusinesses
1113 in the commonwealth.

1114 (c) The center may expend funds as may be appropriated therefor, accept federal funds, or
1115 private gifts and grants to assist in carrying out the purposes as set forth in this section.

1116 SECTION 10. Section 1 of chapter 23G of the General Laws, as so appearing, is hereby
1117 amended by striking out the definition "Equity investments" and inserting in place thereof the
1118 following definition:-

1119 "Equity investments", (i) investments that result in the agency holding an ownership interest in
1120 any company; (ii) a membership interest that constitutes voting rights in a company; (iii) an
1121 interest in real estate or other assets; (iv) a grant or loan designated pursuant to a competitive
1122 process administered by the agency, provided to governmental subdivisions, community
1123 development corporations, community action agencies, for-profit entities, private property
1124 owners, nonprofit entrepreneur support organizations and business operators for design,
1125 construction or improvement of buildings or real estate to spur economic development; (v) a
1126 transaction which in substance falls into any of these categories even though it may be structured
1127 as some other form of business transaction, including, but not limited to, a lease of real estate for
1128 such duration as the agency deems appropriate in light of the amount of the equity to be invested;
1129 and (vi) an equity security; provided, however, that "equity investments" shall not include any of
1130 the foregoing if the interest is taken as security for a loan.

1131 SECTION 11. Said chapter 23G is hereby further amended by adding the following section:-

1132 Section 47. (a) There shall be established within the agency a maritime piers repair and
1133 rehabilitation program to advance the public purpose of ensuring the physical integrity and safety
1134 of piers and other maritime infrastructure that is essential to the continued viability of (i)
1135 maritime industries; (ii) water-dependent uses, as defined in section 1 of chapter 91; and (iii)
1136 other commercial and industrial uses that contribute to the economic vitality of a designated port
1137 area. The agency, in consultation with the secretary of housing and economic development, shall

1138 design and implement the program. The agency may coordinate with other agencies, community
1139 development organizations and instrumentalities of the commonwealth to effectuate this section.

1140 (b) The program shall be eligible to receive funds as appropriated by the general court, the board,
1141 federal grants and programs, and transfers, grants and donations from state agencies, foundations
1142 and private parties. Such funds shall be held in a separate account or accounts segregated from
1143 other funds. Money in or received for the fund may be deposited with and invested by an
1144 institution designated by the executive office and paid as the agency shall direct. A return on an
1145 investment received by the fund shall be deposited and held for the use and benefit of the fund.
1146 The agency may make payments from a deposit account for use under this section.

1147 (c) The agency shall use the fund to make grants, loans or a combination thereof for the
1148 reconstruction, repair, renovation or rehabilitation of existing commercial and marine industrial
1149 infrastructure and public or private maritime transportation infrastructure. Eligible recipients of
1150 such financial assistance shall include public entities, community development corporations,
1151 non-profit and for-profit corporations and other private business entities. In making a loan or
1152 grant, the agency shall consider: (i) the impacts on future economic growth, commercial and
1153 industrial development and wastewater and wastewater pre-treatment within the designated port
1154 area and on the commercial fishing industry; (ii) the attendant economic benefits to the
1155 commonwealth; and (iii) the benefits to the commonwealth's transportation system including the
1156 benefits derived from enhancing intermodal connections from the seaports to road, rail and air
1157 facilities. Funding shall be awarded on a competitive basis in accordance with guidelines
1158 developed by the agency.

1159 (d) The agency shall be reimbursed from the fund for all reasonable and necessary direct costs
1160 and expenses incurred in any fiscal year associated with its administration, management and
1161 operation of the fund, including reasonable staff time and out-of-pocket expenses and the
1162 reasonable and approved administrative costs.

1163 (e) The agency shall submit an annual report to the clerks of the house of representatives and the
1164 senate who shall forward the report to the house and senate committees on ways and means and
1165 the joint committee on economic development and emerging technologies not later than
1166 December 31. The report shall include a current assessment of the progress of each project
1167 funded through the program.

1168 SECTION 12. Chapter 26 of the General Laws is hereby amended by inserting after section 3 the
1169 following section:-

1170 Section 3A. (a) The division of banks shall maintain a consumer assistance unit. The unit may
1171 provide assistance in response to complaints involving any person or entity that the division has
1172 authority to regulate or in other areas as the commissioner deems appropriate, which may
1173 include, but shall not be limited to, complaints and requests for assistance involving state-

1174 chartered banks and credit unions, check cashers, foreign transmittal companies, sales finance
1175 companies, mortgage lenders, brokers, originators and student loan servicers.

1176 (b) The unit shall share information with the student loan ombudsman to assist the student loan
1177 ombudsman in fulfilling the student loan ombudsman's duties under section 35 of chapter 12.

1178 SECTION 13. Chapter 29 of the General Laws is hereby amended by inserting after section
1179 2MMMMM the following 2 sections:-

1180 Section 2NNNNN. There shall be a Student Loan Assistance Trust Fund administered by the
1181 office of the attorney general.

1182 Expenditures may be made from the fund to: (i) fund the work of the student loan ombudsman
1183 established under section 35 of chapter 12; (ii) provide direct counseling and assistance to
1184 student loan borrowers; (iii) receive, review and assist in the resolution of complaints from
1185 student loan borrowers; and (iv) pursue legal action on behalf of student loan borrowers
1186 including, but not limited to, the investigation of complaints, the costs of personnel and
1187 litigation, the engagement of experts and the enforcement of settlements.

1188 Amounts credited to the fund shall not be subject to further appropriation and money remaining
1189 in the fund at the end of a fiscal year shall not revert to the General Fund. The fund shall retain
1190 all interest earned on sums deposited in the fund.

1191 The fund may receive revenue from: (i) appropriations or other money authorized by the general
1192 court designated to the fund; and (ii) funds from public or private sources specifically designated
1193 for the purposes of this section, including, but not limited to, gifts, grants, donations, rebates and
1194 settlements received by the commonwealth.

1195 The office of the attorney general shall provide an annual report to the house and senate
1196 committees on ways and means on the fund's activity. The report shall include, but not be limited
1197 to: (i) the total amount of money in the fund, designated by source; (ii) the amount of money
1198 received by the fund, designated by source; (iii) if settlement funds were received, the percentage
1199 of the total settlement amount deposited into the fund; (iv) an accounting of all expenditures
1200 from the fund; (v) a description of the activities and staff supported by the fund; and (vi) revenue
1201 and expenditure projections for the current fiscal year and for the next fiscal year.

1202 Section 200000 (a) There shall be established and set upon the books of the commonwealth a
1203 separate fund to be known as the Healthy Soils Program Fund. The secretary of energy and
1204 environmental affairs shall administer the fund. Notwithstanding any general or special law to
1205 the contrary, there shall be credited to the fund any revenue subject to appropriations or other
1206 money authorized by the general court and specifically designated to be credited to the fund,
1207 including monies appropriated from the Gaming Economic Development Fund, established

1208 under section 2DDDD of chapter 29, and any gifts, grants, private contributions, investment
1209 income earned by the fund's assets and any designated funds from other sources. No
1210 expenditures from the fund shall cause the fund to be in deficiency at the close of the fiscal year.
1211 Any money in the fund at the end of the fiscal year shall not revert to the General Fund, shall be
1212 available for expenditure in the subsequent year and shall not be subject to section 5C of chapter
1213 29.

1214 (b) Amounts credited to the fund shall be expended, without further appropriation, for the
1215 purpose to implement, administer and develop healthy soils practices under the healthy soils
1216 program, including, but not limited to, program research and development, education and
1217 training in program practices and policies and to provide grants on a competitive basis to
1218 individuals, public and private entities and charitable organizations to implement healthy soils
1219 practices; provided, however, that no loans shall be made from said fund. Expenditures made
1220 from the fund shall complement and not replace existing local, state, private or federal funding
1221 for related training and educational programs for healthy soils practices

1222 SECTION 14. Section 23 of chapter 32 of the General Laws, as so appearing, is hereby amended
1223 by adding the following subdivision:-

1224 (8)(a) It shall be the policy of the PRIM board to use minority investment managers to manage
1225 PRIT Fund assets, encompassing all asset classes, and to increase the racial, ethnic, and gender
1226 diversity of PRIT Fund investments to the greatest extent feasible, consistent with sound
1227 investment policy. The PRIM board and the executive director shall take affirmative steps to
1228 remove any barriers to the full participation of minority investment managers in investment
1229 opportunities. Such affirmative steps shall include, but not be limited to, consideration of
1230 whether current investment policy discourages the use of minority investment managers through
1231 quantitative or qualitative restrictions, including, but not limited to, number of years track record
1232 and minimum assets under management.

1233 (b) It shall be the goal of the PRIM board that not less than 20 per cent of investment managers
1234 be minorities, females and persons with disabilities. It shall further be the goal of the PRIM
1235 board to utilize businesses owned by minorities, females and persons with disabilities for not less
1236 than 20 per cent of total contracts awarded pursuant to section 23B.

1237 (c) Annually, not later than January 15 of each year, the PRIM board shall file with the house
1238 and senate committee on ways and means and with the joint committee on public service a report
1239 detailing its progress toward implementing the policies and goals outlined above. Such report
1240 shall include documentation related to all minority investment managers considered for
1241 investment, including documentation, where applicable, of the reasons for declining any such
1242 investment.

1243 SECTION 15. Section 4A of chapter 40 of the General Laws, as so appearing, is hereby
1244 amended by adding the following paragraph:-

1245 By a majority vote of their legislative bodies, and with the approval of the mayor, board of
1246 selectmen or other chief executive officer, any contiguous cities and towns may enter into an
1247 agreement to allocate public infrastructure costs, municipal service costs and local tax revenue
1248 associated with the development of an identified parcel or parcels or development within the
1249 contiguous communities generally; provided, that the agreement shall be approved by the
1250 department of revenue.

1251 SECTION 16. Section 1A of chapter 40A of the General Laws, as so appearing, is hereby
1252 amended by inserting after the introductory paragraph the following 10 definitions:-

1253 "Accessory dwelling unit", a self-contained housing unit, inclusive of sleeping, cooking and
1254 sanitary facilities on the same lot as a principal dwelling, subject to otherwise applicable
1255 dimensional and parking requirements, that: (i) maintains a separate entrance, either directly
1256 from the outside or through an entry hall or corridor shared with the principal dwelling sufficient
1257 to meet the requirements of the state building code for safe egress; (ii) is not larger in floor area
1258 than 1/2 the floor area of the principal dwelling or 900 square feet, whichever is smaller; and (iii)
1259 is subject to such additional restrictions as may be imposed by a municipality, including but not
1260 limited to additional size restrictions, owner-occupancy requirements and restrictions or
1261 prohibitions on short-term rental of accessory dwelling units.

1262 "As of right", development that may proceed under a zoning ordinance or by-law without the
1263 need for a special permit, variance, zoning amendment, waiver or other discretionary zoning
1264 approval.

1265 "Eligible locations", areas that by virtue of their infrastructure, transportation access, existing
1266 underutilized facilities or location make highly suitable locations for residential or mixed use
1267 smart growth zoning districts or starter home zoning districts, including without limitation: (i)
1268 areas near transit stations, including rapid transit, commuter rail and bus and ferry terminals; or
1269 (ii) areas of concentrated development, including town and city centers, other existing
1270 commercial districts in cities and towns and existing rural village districts.

1271 "Gross density", a units-per-acre density measurement that includes land occupied by public
1272 rights-of-way and any recreational, civic, commercial and other nonresidential uses.

1273 "Lot", an area of land with definite boundaries that is used or available for use as the site of a
1274 building or buildings.

1275 "MBTA community", a city or town that is: (i) one of the 51 cities and towns as defined in
1276 section 1 of chapter 161A; (ii) one of the 14 cities and towns as defined in said section 1 of said

chapter 161A; (iii) other served communities as defined in said section 1 of said chapter 161A; or (iv) a municipality that has been added to the Massachusetts Bay Transportation Authority under section 6 of chapter 161A or in accordance with any special law relative to the area constituting the authority.

"Mixed-use development", development containing a mix of residential uses and non-residential uses, including, without limitation, commercial, institutional, industrial or other uses;

"Multi-family housing", a building with 3 or more residential dwelling units or 2 or more buildings on the same lot with more than 1 residential dwelling unit in each building.

"Natural resource protection zoning", zoning ordinances or by-laws enacted principally to protect natural resources by promoting compact patterns of development and concentrating development within a portion of a parcel of land so that a significant majority of the land remains permanently undeveloped and available for agriculture, forestry, recreation, watershed management, carbon sequestration, wildlife habitat or other natural resource values.

"Open space residential development", a residential development in which the buildings and accessory uses are clustered together into 1 or more groups separated from adjacent property and other groups within the development by intervening open land. An open space residential development shall be permitted only on a plot of land of such minimum size as a zoning ordinance or by-law may specify which is divided into building lots with dimensional control, density and use restrictions for such building lots varying from those otherwise permitted by the ordinance or by-law and open land. The open land may be situated to promote and protect maximum solar access within the development. The open land shall either be conveyed to the city or town and accepted by said city or town for park or open space use, or be made subject to a recorded use restriction enforceable by said city or town or a non-profit organization the principal purpose of which is the conservation of open space, providing that such land shall be kept in an open or natural state and not be built for residential use or developed for accessory uses such as parking or roadway.

SECTION 17. Said section 1A of said chapter 40A, as so appearing, is hereby further amended by striking out the definition of "Transfer of development rights" and inserting in place thereof the following definition:-

"Transfer of development rights", the regulatory procedure whereby the owner of a parcel may convey development rights, extinguishing those rights on the first parcel, and where the owner of another parcel may obtain and exercise those rights in addition to the development rights already existing on that second parcel.

SECTION 18. Said chapter 40A is hereby further amended by inserting after section 3 the following section:-

Section 3A. (a)(1) An MBTA community shall have a zoning ordinance or by-law that provides for at least 1 district of reasonable size in which multi-family housing is permitted as of right; provided, however, that such multi-family housing shall be without age restrictions and shall be suitable for families with children. For the purposes of this section, a district of reasonable size shall: (i) have a minimum gross density of 15 units per acre, subject to any further limitations imposed by section 40 of chapter 131 and title 5 of the state environmental code established pursuant to section 13 of chapter 21A; and (ii) be located not more than 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station, if applicable.

(b) An MBTA community that fails to comply with this section shall not be eligible for funds from: (i) the Housing Choice Initiative as described by the governor in a message to the general court dated December 11, 2017; (ii) the Local Capital Projects Fund established in section 2EEEE of chapter 29; or (iii) the MassWorks infrastructure program established in section 63 of chapter 23A.

(c) The department, in consultation with the Massachusetts Bay Transportation Authority and the Massachusetts Department of Transportation, shall promulgate guidelines to determine if an MBTA community is in compliance with this section.

SECTION 19. Section 5 of said chapter 40A, as so appearing, is hereby amended by striking out the fifth paragraph and inserting in place thereof the following paragraph:-

Except as provided herein, no zoning ordinance or by-law or amendment thereto shall be adopted or changed except by a two-thirds vote of all the members of the town council, or of the city council where there is a commission form of government or a single branch, or of each branch where there are 2 branches, or by a two-thirds vote of a town meeting; provided, however, that the following shall be adopted by a vote of a simple majority of all members of the town council or of the city council where there is a commission form of government or a single branch or of each branch where there are 2 branches or by a vote of a simple majority of town meeting:

(1) an amendment to a zoning ordinance or by-law to allow any of the following as of right: (a) multifamily housing or mixed-use development in an eligible location; (b) accessory dwelling units, whether within the principal dwelling or a detached structure on the same lot; or (c) open-space residential development;

(2) an amendment to a zoning ordinance or by-law to allow by special permit: (a) multi-family housing or mixed-use development in an eligible location; (b) an increase in the permissible density of population or intensity of a particular use in a proposed multi-family or mixed use development pursuant to section 9; (c) accessory dwelling units in a detached structure on the same lot; or (d) a diminution in the amount of parking required for residential or mixed-use development pursuant to section 9;

(3) zoning ordinances or by-laws or amendments thereto that: (a) provide for TDR zoning or natural resource protection zoning in instances where the adoption of such zoning promotes concentration of development in areas that the municipality deems most appropriate for such development, but will not result in a diminution in the maximum number of housing units that could be developed within the municipality; or (b) modify regulations concerning the bulk and height of structures, yard sizes, lot area, setbacks, open space, parking and building coverage requirements to allow for additional housing units beyond what would otherwise be permitted under the existing zoning ordinance or by-law; and

(4) the adoption of a smart growth zoning district or starter home zoning district in accordance with section 3 of chapter 40R. Any amendment that requires a simple majority vote shall not be combined with an amendment that requires a two-thirds majority vote. If, in a city or town with a council of fewer than 25 members, there is filed with the clerk prior to final action by the council a written protest against a zoning change under this section, stating the reasons duly signed by owners of 50 per cent or more of the area of the land proposed to be included in such change or of the area of the land immediately adjacent extending 300 feet therefrom, no change of any such ordinance shall be adopted except by a two-thirds vote of all members.

SECTION 20. Section 9 of said chapter 40A, as so appearing, is hereby amended by inserting after the word "interests," in line 34, the following words:- ; provided, however, that nothing herein shall prohibit a zoning ordinance or by-law from allowing transfer of development rights to be permitted as of right, without the need for a special permit or other discretionary zoning approval.

SECTION 21. Said section 9 of said chapter 40A, as so appearing, is hereby further amended by striking out, in lines 39 and 43, the word "cluster" each time it appears and inserting in place thereof in each instance the following words:- open space residential.

SECTION 22. Said section 9 of said chapter 40A, as so appearing, is hereby further amended by inserting, after the word "control," in line 47, the following words:- ; provided, however, that nothing herein shall prohibit a zoning ordinance or by-law from allowing open space residential developments to be permitted as of right, without the need for a special permit or other discretionary zoning approval.

SECTION 23. Said section 9 of said chapter 40A, as so appearing, is hereby further amended by striking out the seventh paragraph and inserting in place thereof the following paragraph:-

Zoning ordinances or by-laws may also provide that special permits may be granted for reduced parking space to residential unit ratio requirements after a finding by the special permit granting authority that the public good would be served and that the area in which the development is located would not suffer a substantial adverse effect from such diminution in parking.

1382 SECTION 24. Said section 9 of said chapter 40A, as so appearing, is hereby further amended by
1383 inserting after the twelfth paragraph the following paragraph:-

1384 A special permit issued by a special permit granting authority shall require a simple majority
1385 vote for any of the following: (a) multifamily housing that is located within 1/2 mile of a
1386 commuter rail station, subway station, ferry terminal or bus station; provided, that not less than
1387 10 per cent of the housing shall be affordable to and occupied by households whose annual
1388 income is less than 80 per cent of the area wide median income as determined by the United
1389 States Department of Housing and Urban Development and affordability is assured for a period
1390 of not less than 30 years through the use of an affordable housing restriction as defined in section
1391 31 of chapter 184; (b) mixed-use development in centers of commercial activity within a
1392 municipality, including town and city centers, other commercial districts in cities and towns and
1393 rural village districts; provided, that not less than 10 per cent of the housing shall be affordable to
1394 and occupied by households whose annual income is less than 80 per cent of the area wide
1395 median income as determined by the United States Department of Housing and Urban
1396 Development and affordability is assured for a period of not less than 30 years through the use of
1397 an affordable housing restriction as defined in section 31 of chapter 184; or (c) a reduced parking
1398 space to residential unit ratio requirement, pursuant to this section; provided, that a reduction in
1399 the parking requirement will result in the production of additional housing units.

1400 SECTION 25. Section 17 of said chapter 40A, as so appearing, is hereby amended by inserting
1401 after the second paragraph the following paragraph:-

1402 The court, in its discretion, may require a plaintiff in an action under this section appealing a
1403 decision to approve a special permit, variance or site plan to post a surety or cash bond in an
1404 amount of not more than \$50,000 to secure the payment of costs if the court finds that the harm
1405 to the defendant or to the public interest resulting from delays caused by the appeal outweighs
1406 the financial burden of the surety or cash bond on the plaintiffs. The court shall consider the
1407 relative merits of the appeal and the relative financial means of the plaintiff and the defendant.

1408 SECTION 26. Section 2 of chapter 40G of the General Laws, as so appearing, is hereby
1409 amended by striking out, in lines 23 to 26, inclusive, the words "1 person appointed by the
1410 governor who is a cabinet secretary or officer of the commonwealth having experience
1411 appropriate to the functions of MTDC" and inserting in place thereof the following words:- the
1412 executive director of the Massachusetts Technology Park Corporation established in section 3 of
1413 chapter 40J.

1414 SECTION 27. Said section 3 of said chapter 40R, as so appearing, is hereby further amended by
1415 inserting after the word "use", in line 19, the following words:-

1416 ; provided, however, that a smart growth zoning district or starter home zoning district ordinance
1417 or by-law shall be adopted by a simple majority vote of all the members of the town council, or

1418 of the city council where there is a commission form of government or a single branch, or of
1419 each branch where there are 2 branches, or by a simple majority vote of a town meeting.

1420 SECTION 28. Section 2 of chapter 40R of the General Laws, as amended by section 12 of
1421 chapter 5 of the acts of 2019, is hereby amended by inserting after the word "is", in line 4, the
1422 following words:- equal to or.

1423 SECTION 29. Said section 2 of said chapter 40R, as so amended, is hereby further amended by
1424 striking out the definition of "Approving authority".

1425 SECTION 30. Said section 2 of said chapter 40R, as so amended, is hereby further amended by
1426 inserting after the definition of "Open space" the following definition:-

1427 "Plan approval authority", a unit of municipal government designated by the city or town to
1428 review projects and issue approvals under section 11.

1429 SECTION 31. Section 3 of said chapter 40R, as so appearing, is hereby amended by inserting
1430 after the word "have", in line 4, the following word:- safe.

1431 SECTION 32. Said section 3 of said chapter 40R, as so appearing, is hereby further amended by
1432 inserting after the word "frequent", in line 5, the following word:- pedestrian.

1433 SECTION 33. Said section 3 of said chapter 40R, as so appearing, is hereby further amended by
1434 striking out, in line 14, the words "by a city or town".

1435 SECTION 34. Section 6 of said chapter 40R, as so appearing, is hereby amended by striking out,
1436 in lines 55 to 56, the words "the comprehensive housing plan, housing production plan or
1437 housing production summary submitted as part of".

1438 SECTION 35. Subsection (a) of said section 6 of said chapter 40R, as so appearing, is hereby
1439 amended by striking out clause (8) and inserting in place thereof the following clause:-

1440 (8) A proposed smart growth zoning district or starter home zoning district shall not impose
1441 restrictions on age or any other occupancy restrictions on the district as a whole or any portion
1442 thereof or project therein. Applicants may pursue the development of specific projects within a
1443 smart growth zoning district that are exclusively for the elderly, the disabled or for assisted
1444 living; provided, that the department shall adopt regulations limiting the percentage of units in
1445 the district that qualify the city or town for density bonus payments under section 9 that may be
1446 subject to such restrictions that limit occupancy exclusively for the elderly, the disabled or for
1447 assisted living. Not less than 25 per cent of the housing units in a project that limits occupancy
1448 exclusively for the elderly, the disabled or for assisted living within a smart growth zoning
1449 district shall be affordable housing, as defined in section 2.

1450 SECTION 36. Said section 6 of said chapter 40R, as so appearing, is hereby further amended by
1451 striking out, in line 86, the word "approving" and inserting in place thereof the following words:-
1452 plan approval.

1453 SECTION 37. Said section 6 of said chapter 40R, as so appearing, is hereby further amended by
1454 striking out subsection (c) and inserting in place thereof the following subsection:-

1455 (c) The zoning for a proposed smart growth zoning district or starter home zoning district may
1456 provide for mixed use development subject to any limitations that may be imposed by
1457 regulations of the department. In a starter home zoning district, mixed use development shall
1458 only be permitted if the proposed density achieves a minimum of 4 units per acre.

1459 SECTION 38. Said section 6 of said chapter 40R, as so appearing, is hereby further amended by
1460 striking out subsection (g) and inserting in place thereof the following subsection:-

1461 (g) Any amendment or repeal of a zoning ordinance or by-law affecting an approved smart
1462 growth zoning district or starter home zoning district shall not be effective without the written
1463 approval by the department. No such amendment or repeal shall be effective until the city or
1464 town has made the payment required under subsection (b) of section 14. Each amendment or
1465 repeal shall be submitted to the department with an evaluation of the effect on the number of
1466 projected units that will remain developable, if any, in relation to the number of units that have
1467 been built and the number of units that determined any corresponding zoning incentive payment
1468 paid to the city or town. Amendments shall be approved only to the extent that the district
1469 remains in compliance with this chapter. If the department does not respond to a complete
1470 request for approval of an amendment or repeal within 60 days of receipt, the request shall be
1471 deemed approved.

1472 SECTION 39. Section 7 of said chapter 40R, as so appearing, is hereby amended by striking out,
1473 in line 14, the word "approving" and inserting in place thereof the following words:- plan
1474 approval.

1475 SECTION 40. Said section 7 of said chapter 40R, as so appearing, is hereby further amended by
1476 striking out, in lines 17 through 20, inclusive, the words "the city or town's comprehensive
1477 housing plan, housing production plan, or the housing production summary submitted with the
1478 city or town's initial application for approval by the department, as applicable,".

1479 SECTION 41. Section 9 of said chapter 40R, as amended by section 13 of chapter 5 of the acts
1480 of 2019, is hereby further amended by striking out, in lines 18 through 21, inclusive, the words ",
1481 and consistent with either the city or town's comprehensive housing plan or housing production
1482 plan, if any, or the housing production summary submitted in accordance with section 8".

1483 SECTION 42. Section 10 of said chapter 40R, as appearing in the 2018 Official Edition, is
1484 hereby amended by striking out, in line 3, the words "approving" and inserting in place thereof
1485 the following words:- plan approval.

1486 SECTION 43. Said section 10 of said chapter 40R, as so appearing, is hereby further amended
1487 by striking out, in lines 6 through 8, inclusive, the words "and is consistent with the city or
1488 town's comprehensive housing plan or housing production plan, if any, and any applicable
1489 master plan or plans for the city or town".

1490 SECTION 44. Said chapter 40R, as so appearing, is hereby amended by striking out section 11
1491 and inserting in place thereof the following section:-

1492 Section 11. (a)A city or town may incorporate provisions within the smart growth zoning district
1493 or starter home zoning district ordinance or by-law that prescribe contents of an application for
1494 approval of a project. The ordinance or by-law may require the applicant to pay for reasonable
1495 consulting fees to provide peer review of the applications for the benefit of the plan approval
1496 authority. Such fees shall be held by the municipality in a separate account and used only for
1497 expenses associated with the review of the development application by outside consultants and
1498 any surplus remaining after the completion of such review, including any interest accrued, shall
1499 be returned to the applicant forthwith. The smart growth zoning district or starter home zoning
1500 district ordinance or by-law may provide for the referral of the plan to municipal officers,
1501 agencies or boards other than the plan approval authority for comment. Any such board, agency
1502 or officer shall provide any comments within 60 days of its receipt of a copy of the plan and
1503 application for approval.

1504 (b) An application to a plan approval authority for approval under a smart growth zoning district
1505 or starter home zoning district ordinance or by-law shall be governed by the applicable zoning
1506 provisions in effect at the time of the submission, while the plan is being processed, during the
1507 pendency of any appeal and for 3 years after approval. If an application is denied, the zoning
1508 provisions in effect at the time of the application shall continue in effect with respect to any
1509 further application filed within 2 years after the date of the denial except as the applicant may
1510 otherwise choose.

1511 (c) An application for approval under this section shall be filed by the applicant with the city or
1512 town clerk and a copy of the application including the date of filing certified by the town clerk
1513 shall be filed forthwith with the plan approval authority. The plan approval authority shall hold
1514 a public hearing for which notice has been given as provided in section 11 of chapter 40A. The
1515 decision of the plan approval authority shall be made, and a written notice of the decision filed
1516 with the city or town clerk, within 120 days of the receipt of the application by the city or town
1517 clerk. The required time limits for such action may be extended by written agreement between
1518 the applicant and the plan approval authority, with a copy of such agreement being filed in the
1519 office of the city or town clerk. Failure of the plan approval authority to take action within said

120 days or extended time, if applicable, shall be deemed to be an approval of the plan. The applicant who seeks approval of a plan by reason of the failure of the plan approval authority to act within such time prescribed, shall notify the city or town clerk, in writing within 14 days from the expiration of said 120 days or extended time, if applicable, of such approval and that notice has been sent by the applicant to parties in interest. The applicant shall send such notice to parties in interest by mail and each such notice shall specify that appeals, if any, shall be made pursuant to this section and shall be filed within 20 days after the date the city or town clerk received such written notice from the applicant that the plan approval authority failed to act within the time prescribed.

(d) The plan approval authority shall issue to the applicant a copy of its decision containing the name and address of the owner, identifying the land affected, and the plans that were the subject of the decision, and certifying that a copy of the decision has been filed with the city or town clerk and that all plans referred to in the decision are on file with the plan approval authority. If 20 days have elapsed after the decision has been filed in the office of the city or town clerk without an appeal having been filed or if such appeal, having been filed, is dismissed or denied, the city or town clerk shall so certify on a copy of the decision. If the plan is approved by reason of the failure of the plan approval authority to timely act, the clerk shall make such certification on a copy of the application. A copy of the decision or application bearing such certification shall be recorded in the registry of deeds for the county and district in which the land is located and indexed in the grantor index under the name of the owner of record or recorded and noted on the owner's certificate of title. The fee for recording or registering shall be paid by the owner or applicant.

(e) The project shall be approved by the plan approval authority subject only to those conditions that are necessary: (1) to ensure substantial compliance of the proposed project with the requirements of the smart growth zoning district or starter home zoning district ordinance or by-law; or (2) to mitigate any extraordinary adverse impacts of the project on nearby properties. An application may be denied only on the grounds that: (i) the project does not meet the conditions and requirements set forth in the smart growth zoning district or starter home zoning district ordinance or by-law; (ii) the applicant failed to submit information and fees required by the ordinance or by-law and necessary for an adequate and timely review of the design of the project or potential project impacts; or (iii) it is not possible to adequately mitigate extraordinary adverse project impacts on nearby properties by means of suitable conditions.

(f) Any court authorized to hear appeals under section 17 of chapter 40A shall be authorized to hear an appeal from a decision under this section by a party who is aggrieved by such decision. Such appeal may be brought within 20 days after the decision has been filed in the office of the city or town clerk. Notice of the appeal, with a copy of the complaint shall be given to such city or town clerk so as to be received within such 20 days. Review shall be based on the record of information and plans presented to the plan approval authority. To avoid delay in the

1558 proceedings, instead of the usual service of process, the plaintiff shall within 14 days after the
1559 filing of the complaint, send written notice thereof, with a copy of the complaint, by delivery or
1560 certified mail to all defendants, including the members of the plan approval authority, and shall
1561 within 21 days after the entry of the complaint file with the clerk of the court an affidavit that
1562 such notice has been given. If no such affidavit is filed within such time, the complaint shall be
1563 dismissed.

1564 (g) A complaint by a plaintiff challenging the approval of a project under this section shall allege
1565 the specific reasons why the project fails to satisfy the requirements of this chapter or other
1566 applicable law and allege specific facts establishing how the plaintiff is aggrieved by such
1567 decision. The plan approval authority's decision in such a case shall be affirmed unless the court
1568 concludes the plan approval authority abused its discretion under subsection (e) in approving the
1569 project. The applicant and all members of the plan approval authority shall be named as
1570 defendant parties.

1571 (h) A plaintiff seeking to reverse approval of a project under this section shall post a bond in an
1572 amount to be set by the court that is sufficient to cover twice the estimated: (i) annual carrying
1573 costs of the property owner, or a person or entity carrying such costs on behalf of the owner for
1574 the property, as may be established by affidavit; plus (ii) an amount sufficient to cover the
1575 defendant's attorneys fees, all of which shall be computed over the estimated period of time
1576 during which the appeal is expected to delay the start of construction. The bond shall be forfeited
1577 to the property owner in an amount sufficient to cover the property owner's carrying costs and
1578 legal fees less any net income received by the plaintiff from the property during the pendency of
1579 the court case in the event a plaintiff does not substantially prevail on its appeal.

1580 (i) An applicant for plan approval who appeals from a project denial or conditional approval
1581 shall identify in its complaint the specific reasons why the plan approval authority's decision fails
1582 to satisfy requirements of this chapter or other applicable law. The plan approval authority shall
1583 have the burden of justifying its decision by substantial evidence in the record.

1584 (j) The land court department, the superior court department and the housing court department
1585 shall have jurisdiction over an appeal under this section and shall give priority to such an appeal.

1586 (k) The first paragraph of section 16 of chapter 40A shall not apply to applications for projects
1587 within a smart growth zoning district or starter home zoning district.

1588 (l) A project approval shall remain valid and shall run with the land indefinitely provided that
1589 construction has commenced within 2 years after the decision is issued, which time shall be
1590 extended by the time required to adjudicate any appeal from such approval and which time shall
1591 also be extended if the project proponent is actively pursuing other required permits for the
1592 project or there is other good cause for the failure to commence construction, or as may be
1593 provided in an approval for a multi-phase project.

1594 SECTION 45. Chapter 40R is hereby amended by striking out section 14, as amended by section
1595 14 of chapter 5 of the acts of 2019, and inserting in place thereof the following section:-

1596 Section 14. (a) If, within 3 years, no construction of an approved project has been started within
1597 the smart growth zoning district or starter home zoning district, the department shall require the
1598 cities and towns to repay to the department all monies paid to the city or town under this chapter
1599 for said smart growth zoning district or starter home zoning district. Said 3 years shall commence
1600 on the date of the payment of the zoning incentive payment for said smart growth zoning district
1601 or starter home zoning district and may be extended by the department for good cause in
1602 accordance with the department's regulations. All monies repaid to the department under this
1603 section shall be credited to the funding source from which the payment originated.

1604 (b) Within 60 days of receiving written approval by the department of an amendment of a zoning
1605 ordinance or by-law affecting an approved smart growth zoning district or starter home zoning
1606 district in accordance with subsection (g) of section 6, the city or town shall repay to the
1607 department any portion of the zoning incentive payment received in excess of the zoning
1608 incentive payment that would have been payable based on the sum of (i) the number of units that
1609 have been built and (ii) the number of units, if any, that will remain developable under the smart
1610 growth zoning or starter home zoning. The department may include under clause (ii) in the
1611 preceding sentence any units that are developable in 1 or more adopted smart growth zoning
1612 district or starter home zoning district for which no zoning incentive payment has been paid but
1613 for which the city or town is nonetheless eligible if the associated units would have the effect of
1614 replacing some or all of the units that will no longer be developable as a result of the proposed
1615 amendment or repeal. All monies repaid to the department under this section shall be credited to
1616 the funding source from which the payment originated.

1617 SECTION 46. Section 1 of chapter 40S of the General Laws, as so appearing, is hereby amended
1618 by striking out, in line 51, the word "properties" and inserting in place thereof the following
1619 word:- buildings.

1620 SECTION 47. Said section 1 of said chapter 40S, as so appearing, is hereby further amended by
1621 inserting, in line 61, after the figure "40R," the following words:- including without limitation
1622 smart growth zoning districts and starter home zoning districts as defined in section 1 of said
1623 chapter 40R.

1624 SECTION 48. Section 1 of chapter 40V of the General Laws, as so appearing, is hereby
1625 amended by inserting after the word "units", in line 18, the following words:- and not less than
1626 10 per cent affordable: (i) rental units for persons whose income is not more than 60 per cent of
1627 the area median income; or (ii) owner-occupied units for persons whose income is not more than
1628 80 per cent of the area median income.

1629 SECTION 49. Section 2 of said chapter 40V, as so appearing, is hereby amended by striking out
1630 the last sentence and inserting in place thereof the following sentence:- The application shall
1631 include a plan that shall include a description of the activities, public and private, contemplated
1632 for such zone as of the date of the adoption of the zone plan, including information as the
1633 department may require in written guidelines.

1634 SECTION 50. Section 4 of said chapter 40V, as so appearing, is hereby amended by inserting
1635 after the word "units", in line 8, the following words:- and not less than 10 per cent affordable:
1636 (A) rental units for persons whose income is not more than 60 per cent of the area median
1637 income; or (B) owner-occupied units for persons whose income is not more than 80 per cent of
1638 the area median income.

1639 SECTION 51. Said section 4 of said chapter 40V, as so appearing, is hereby further amended by
1640 striking out, in line 15, the words "as certified projects under section 2" and inserting in place
1641 thereof the following words:- under section 2 as certified projects under this section.

1642 SECTION 52. Said section 4 of said chapter 40V, as so appearing, is hereby further amended by
1643 striking out, in line 25, the words "executed agreement by the municipality which" and inserting
1644 in place thereof the following words:- agreement executed by the municipality that is approved
1645 by the department and.

1646 SECTION 53. Subsection (e) of said section 4 of said chapter 40V, as so appearing, is hereby
1647 amended by striking out the first paragraph and inserting in place thereof the following
1648 paragraph:-

1649 The department shall review each pending project proposal and completed certified housing
1650 development project not less than once every 2 years. The certification of a project may be
1651 revoked by the department if: (i)(A) the municipality that approved the project proposal files a
1652 petition that satisfies the authorization requirements for a municipal application or the petition of
1653 the director of the department; and (B) the department determines, after an independent
1654 investigation, that representations made by the sponsors in its project proposal are materially
1655 different from the conduct of the sponsors subsequent to the certification and such difference is
1656 found to frustrate the public purposes that the certification was intended to advance; or (ii) the
1657 project no longer meets the criteria in this section. Upon revocation, the commonwealth and the
1658 municipality may bring a cause of action against the sponsors for the value of any economic
1659 benefit received by the sponsors prior to or subsequent to such revocation.

1660 SECTION 54. The third paragraph of said subsection (e) of said section 4 of said chapter 40V, as
1661 so appearing, is hereby amended by adding the following sentence:- The report shall include, but
1662 not be limited to: (i) a list of municipalities with approved HD zones; (ii) a list of housing
1663 development projects that have received certification; (iii) information about each housing
1664 development project, including the site address, project sponsor, range of rents of the residential

1665 units, type of residential units, number of each type of residential unit, number of affordable
1666 rental units for persons whose income is not more than 60 per cent of the area median income
1667 and the number of affordable owner-occupied units for persons whose income is not more than
1668 80 per cent of the area median income; and (iv) the total amount of qualified project expenditures
1669 for which a tax credit was issued or reserved pursuant to section 5 for each housing development
1670 project, the year the credit was issued and the completion or estimated completion year of the
1671 housing development project.

1672 SECTION 55. Section 5 of said chapter 40V, as so appearing, is hereby amended by inserting
1673 after the word "rate", in lines 4 and 14, the following words:- and affordable.

1674 SECTION 56. The General Laws are hereby amended by inserting after chapter 40W the
1675 following chapter:-

1676 CHAPTER 40X.

1677 TOURISM DESTINATION MARKETING DISTRICTS.

1678 Section 1. As used in this chapter the following words shall, unless the context clearly requires
1679 otherwise, have the following meanings:-

1680 "Commissioner", the commissioner of revenue.

1681 "Elector", a tourism destination marketing district member or the authorized representative of a
1682 district member.

1683 "Lead jurisdiction", the city or town in which the tourism destination marketing district petition
1684 is filed.

1685 "Lodging business", any hotel or motel, as defined in section 1 of chapter 64G, and subject to the
1686 excise imposed by chapter 64G.

1687 "Lodging business owner", the owner of record or the owner's authorized representative, of a
1688 lodging business.

1689 "Management entity", an entity designated in a tourism destination marketing district plan to
1690 receive funds to carry out and implement the purposes of the tourism destination marketing
1691 district. The tourism destination marketing district plan shall designate a regional tourism council
1692 as the management entity. The management entity shall be required to furnish a surety bond
1693 conditioned on the faithful performance of its duties.

1694 "Municipal governing body", the city council or board of aldermen in a city or the board of
1695 selectmen or town council in a town.

1696 "Special assessment", a payment for supplemental services or improvements specified by the
1697 tourism destination marketing district plan.

1698 "Special assessment formula", a formula used to calculate the special assessment pursuant to
1699 section 7.

1700 "Standard government services", governmental functions, programs, activities, facilities,
1701 improvements and other services that a municipality is authorized to perform or provide.

1702 "Supplemental services", the provision of programs, activities or information in addition to the
1703 standard governmental services provided in the tourism destination marketing district, including,
1704 marketing, sales activities or events in addition to other tourism and travel promotion activities.

1705 "Tourism destination marketing district", a district formed pursuant to this chapter, which is a
1706 geographic area with clearly defined boundaries. A tourism destination marketing district may
1707 include multiple tourism regions served by multiple regional tourism councils; provided,
1708 however, that there shall only be 1 regional tourism council designated as the management entity
1709 for each tourism destination marketing district. Only those lodging businesses meeting the
1710 criteria described in the petition and tourism destination marketing district plan shall be liable for
1711 the tourism destination marketing district's special assessment. The geographic regions within a
1712 tourism destination marketing district need not be contiguous.

1713 "Tourism destination marketing district committee" or "district committee", a committee selected
1714 by the management entity's board of directors responsible for overseeing the ongoing district
1715 plan.

1716 "Tourism destination marketing district member" or "district member", a lodging business owner
1717 who participates in a tourism destination marketing district.

1718 "Tourism destination marketing district plan" or "district plan", the strategic plan for the tourism
1719 destination marketing district that sets forth the supplemental services and programs, budget and
1720 special assessment structure, the criteria for inclusion of lodging businesses, and the management
1721 entity and tourism destination marketing district committee for the tourism destination marketing
1722 district, and is approved by the local municipal governing body as part of the creation of the
1723 tourism destination marketing district. The updated tourism destination marketing district plan
1724 shall take effect upon the approval of a majority of electors, with each elector's vote having the
1725 same weight. Any amendment to the tourism destination marketing district plan under section 9
1726 shall be deemed to be an update of the tourism destination marketing district plan.

1727 Section 2. The rights and powers of the management entity of the tourism destination marketing
1728 district approved by a municipal governing body pursuant to section 3 shall include: (i) retaining
1729 or recruiting business; (ii) administering and managing the tourism destination marketing

1730 district; (iii) promoting economic development; (iv) formulating a special assessment structure;
1731 (v) planning and design services; (vi) design, engineer, construct, maintain or operate buildings,
1732 facilities, urban streetscapes or infrastructure to further economic development and public
1733 purposes; (vii) accumulating interest; (viii) incurring costs or indebtedness; (ix) entering into
1734 contracts; (x) suing and being sued; (xi) employing legal and accounting services; (xii)
1735 undertaking planning, feasibility and market analyses; (xiii) developing, implementing, and
1736 conducting tourism marketing and promotional activities; and (xiv) other supplemental services
1737 or programs that would further the purposes of this chapter.

1738 Section 3. (a) The organization of a tourism destination marketing district shall be initiated by a
1739 petition of the lodging business owners within the proposed tourism destination marketing
1740 district, which shall be filed in the office of the clerk of the municipality that is to serve as the
1741 lead jurisdiction. The petition shall contain:-

1742 (i) the signatures of 62 per cent of the tourism destination marketing district members in the
1743 proposed tourism destination marketing district;

1744 (ii) a description of and site map delineating the boundaries of the proposed tourism destination
1745 marketing district;

1746 (iii) the initial list of lodging businesses to be included in the proposed tourism destination
1747 marketing district. Lodging businesses that commence operations after the formation of the
1748 tourism destination marketing district and meet the criteria by which lodging businesses are
1749 assessed by the tourism destination marketing district shall be included in the tourism destination
1750 marketing district pursuant to section 4;

1751 (iv) the proposed tourism destination marketing district plan, which shall set forth the
1752 supplemental services and programs, update mechanism, criteria by which lodging businesses
1753 are assessed by the tourism destination marketing district, and budget and special assessment
1754 structures; and

1755 (v) the identity and address of the management entity and the tourism destination marketing
1756 district committee.

1757 A copy of said petition shall be filed with the clerk of the lead jurisdiction and the commissioner
1758 within 30 days of receipt of such petition by the clerk of the lead jurisdiction.

1759 (b) All required procedures related to the formation, operation and renewal of the tourism
1760 destination marketing district shall only be carried out by the lead jurisdiction. A lead
1761 jurisdiction is authorized to form a tourism destination marketing district that includes other
1762 cities or towns; provided, however, that the lead jurisdiction may not vote to form a tourism
1763 destination marketing district that includes the territorial jurisdiction of another city or town

1764 within the tourism destination marketing district's boundaries until it has received consent, by
1765 vote, from such other city or town's local municipal governing body.

1766 Section 4. (a) The municipal governing body of the lead jurisdiction shall hold a public hearing
1767 within 60 days of the receipt of a petition. Written notification of such hearing shall be sent to
1768 each tourism destination marketing district member within the boundary of the proposed tourism
1769 destination marketing district at least 30 days prior to such hearing, by mailing notice to the
1770 address listed in the business records of the municipalities proposed to be included within the
1771 boundaries of the tourism destination marketing district or, if no such records exist, by such other
1772 method as determined by the clerk of the municipality. Notification of the hearing shall also be
1773 published for 2 consecutive weeks in a newspaper of general circulation in the area, with the first
1774 date of publication beginning at least 14 days prior to such hearing listed on the municipality's
1775 website. Such public notice shall contain the proposed boundaries of the tourism destination
1776 marketing district, the proposed special assessment rate formula, a summary of the supplemental
1777 services provided by the petitioners and where the property owner may obtain a full copy of the
1778 petition and the management plan.

1779 (b) Prior to the public hearing, the municipal governing body of the lead jurisdiction shall direct
1780 the clerk of the lead jurisdiction or the clerk's designee to determine that the establishment
1781 criteria and other petition requirements have been met, as set forth in section 3.

1782 (c) At the public hearing, the municipal governing body of the lead jurisdiction shall determine if
1783 the petition satisfies the purposes set forth and the establishment criteria of this chapter and shall
1784 obtain public comment regarding the tourism destination marketing district plan and the effect
1785 the proposed tourism destination marketing district will have on the lodging business owners
1786 within the proposed tourism destination marketing district. If it appears that said petition is not in
1787 conformity with the purposes and establishment criteria, said local municipal governing body
1788 shall dismiss the petition. At the public hearing, the presiding officer or clerk of said local
1789 municipal governing body shall read into the record the basis for determining the special
1790 assessment pursuant to section 7 and the process by which tourism destination marketing district
1791 members may vote not to renew such tourism destination marketing district.

1792 (d) Not more than 45 days after the close of the public hearing, the municipal governing body, in
1793 its sole discretion, may approve or disapprove the tourism destination marketing district by
1794 majority vote. Upon such declaration, the tourism destination marketing district may commence
1795 operations.

1796 (e) Notice of the declaration of the organization of the tourism destination marketing district
1797 shall be mailed or delivered to each tourism destination marketing district member within the
1798 proposed tourism destination marketing district. The notice shall explain: (i) that membership in
1799 the tourism destination marketing district is irrevocable unless as provided in subsection (g) or
1800 the dissolution under section 10; (ii) a description of the basis for determining the special

1801 assessment; (iii) the criteria by which lodging businesses are assessed by the tourism destination
1802 marketing district; (iv) the special assessment rate; and (v) the proposed supplemental services to
1803 be provided by the tourism destination marketing.

1804 Such notice shall be published for 2 consecutive weeks in a newspaper of general circulation in
1805 the area, the last publication being not more than 14 days after the vote to declare the tourism
1806 destination marketing district organized and shall be posted on the municipality's website.

1807 (f) Once established, participation in the tourism destination marketing district shall be
1808 permanent until after the discontinuation of the tourism destination marketing district as provided
1809 in this section, or until the dissolution of the tourism destination marketing district under section
1810 10. All participating lodging business owners shall make payments in accordance with the
1811 special assessment set out in the petition or management plan. Non-participating lodging
1812 business owners in the tourism destination marketing district shall become tourism destination
1813 marketing district members and shall be assessed on the date that their business meets the criteria
1814 by which lodging businesses are assessed by the tourism destination marketing district.

1815 (g) On or before the fifth anniversary of the organization of a newly created tourism destination
1816 marketing district and the fifth anniversary thereafter of the date of the most recent renewal of
1817 the tourism destination marketing district under this section, the tourism destination marketing
1818 district committee shall call a renewal meeting of the tourism destination marketing district
1819 members to: (i) review the history of the tourism destination marketing district since its
1820 organization or, if applicable, its most recent renewal; (ii) propose an updated tourism
1821 destination marketing district plan to succeed the then current tourism destination marketing
1822 district plan; and (iii) consider whether to continue the tourism destination marketing district.
1823 The meeting shall be held at a location within the tourism destination marketing district. Notice
1824 of the meeting shall be given to tourism destination marketing district members at least 30 days
1825 prior to the meeting. The tourism destination marketing district shall continue after each renewal
1826 meeting if a majority of tourism destination marketing district members who are not more than
1827 30 days in arrears in any payment due to the tourism destination marketing district and are
1828 present at the renewal meeting, in person or by proxy, vote to renew the tourism destination
1829 marketing district.

1830 Such renewal shall last for a term of 5 years commencing on the first day of the next fiscal year
1831 of the tourism destination marketing district.

1832 (h) If the tourism destination marketing district members elect not to continue the tourism
1833 destination marketing district, the tourism destination marketing district committee shall
1834 conclude the business of the tourism destination marketing district prior to the sixth anniversary
1835 of the tourism destination marketing district's creation, or of the prior renewal vote, as the case
1836 may be, and proceed to discontinue the tourism destination marketing district. Notice of the
1837 discontinuation vote shall be given to the municipal governing body of the lead jurisdiction,

1838 which shall formally declare the tourism destination marketing district dissolved as of such sixth
1839 anniversary; provided, however, that the tourism destination marketing district shall not be
1840 dissolved until it has received the accounts receivable due to the tourism destination marketing
1841 district and until it has satisfied or paid in full all of its outstanding indebtedness, obligations and
1842 liabilities, or until funds are on deposit and available therefor, or until a repayment schedule has
1843 been formulated and approved by said local municipal governing body.

1844 (i) Except as necessary to conclude the business of the tourism destination marketing district, the
1845 tourism destination marketing district shall not incur any new or increased financial obligations
1846 after such sixth anniversary. Upon the dissolution of a tourism destination marketing district, the
1847 remaining assets shall first be applied to repay obligations of the tourism destination marketing
1848 district, and then in accordance with the tourism destination marketing district plan, as updated.

1849 (j) Nothing in this section shall prevent the filing of a subsequent petition for a similar project.

1850 Section 5. (a) Each tourism destination marketing district shall be governed by a management
1851 entity's tourism destination marketing district committee to oversee its operations and ensure the
1852 implementation of the tourism destination marketing district plan. The management entity and its
1853 tourism destination marketing district committee shall be set forth in the petition and tourism
1854 destination marketing district plan. A majority of the membership of the tourism destination
1855 marketing district committee shall be lodging business owners paying the tourism destination
1856 marketing district assessment.

1857 (b) A tourism destination marketing district plan shall, within the limitations described in section
1858 9, be updated at least once every 5 years by the tourism destination marketing district committee,
1859 and a copy thereof shall be mailed or delivered to each tourism destination marketing district
1860 member and shall file a copy of such update with the municipal governing body and the
1861 commissioner.

1862 Section 6. All lodging businesses described in the petition and located within the proposed
1863 tourism destination marketing district shall be considered in the special assessment methodology
1864 for the supplemental services and programs as outlined in the tourism destination marketing
1865 district plan.

1866 Section 7. (a) By formal approval of a tourism destination marketing district, the municipal
1867 governing body of a lead jurisdiction shall adopt the special assessment methodology for the
1868 financing of supplemental services submitted in the tourism destination marketing district plan
1869 for the tourism destination marketing district.

1870 (b) The basis of such special assessment may be determined by a formula utilizing any 1 or a
1871 combination of the following:

1872 (i) different rates for varying classifications of lodging businesses;
1873 (ii) different rates for different benefit zones; or
1874 (iii) any other formula which meets the objectives of the tourism destination marketing district.

1875 The special assessment shall be equal to a percentage, not to exceed 2 per cent, of the total
1876 amount of rent taxable under chapter 64G.

1877 (c) The methodology for determining the tourism destination marketing district special
1878 assessment shall be set forth in the original petition as required by section 3.

1879 (d) In addition to receiving funds from the tourism destination marketing district special
1880 assessment, the management entity may receive grants, donations or gifts on behalf of the
1881 tourism destination marketing district.

1882 Section 8. (a) Assessed lodging businesses shall pay the tourism destination marketing district
1883 special assessment to the commissioner at the time provided for filing the return required by
1884 section 16 of chapter 62C. All sums received by the commissioner under this chapter shall, at
1885 least quarterly, be distributed, credited and paid by the state treasurer upon certification of the
1886 commissioner, to each management entity in proportion to the amount of such sums received
1887 from the respective tourism destination marketing districts.

1888 (b) The special assessments collected shall be used solely to fund supplemental services
1889 identified and approved in the tourism destination marketing district plan for the tourism
1890 destination marketing district.

1891 (c) Following establishment of the tourism destination marketing district, if any return by an
1892 assessed lodging business is not filed with the commissioner on or before its due date or within
1893 any extension of time granted by the commissioner, there shall be added to and become a part of
1894 the special assessment a penalty of 1 per cent of the amount required to be shown as the special
1895 assessment on such return for each month or fraction thereof during which such failure
1896 continues, not exceeding, in the aggregate, 25 per cent of said amount.

1897 (d) If any amount of the special assessment is not paid to the commissioner on or before the date
1898 prescribed for payment of such special assessment, determined with regard to any extension of
1899 time for payment, there shall be added to the amount shown as the special assessment on such
1900 return a penalty of 1 per cent of the amount of such special assessment for each month or fraction
1901 thereof during which such failure continues, not exceeding, in the aggregate, 25 per cent of said
1902 amount.

1903 (e) An annual audit, certified by a certified public accountant, of the revenues generated, the
1904 grants, donations and gifts received, and the expenses incurred by the tourism destination

1905 marketing district shall be made within 120 days of the close of the fiscal year, and shall be
1906 placed on file with the commissioner. Such accounting shall be a public record.

1907 (f) The commissioner may promulgate rules and regulations for the assessing, reporting,
1908 collecting, remitting and enforcement of the special assessment under this section.

1909 Section 9. (a) At any time after the establishment of a tourism destination marketing district
1910 pursuant to this chapter, the tourism destination marketing district plan upon which the
1911 establishment was based may, upon the recommendation of the management entity's tourism
1912 destination marketing district committee be amended by the municipal governing body of the
1913 lead jurisdiction after compliance with the procedures set forth in this section; provided,
1914 however, that a lead jurisdiction may not approve amendments to the boundaries of a tourism
1915 destination marketing district that include the territorial jurisdiction of a city or town not yet
1916 included in the tourism destination marketing district without the consent, by vote, from such
1917 other city or town's local municipal governing body.

1918 Amendments to the tourism destination marketing district plan shall be subject to the approval of
1919 the municipal governing body of the lead jurisdiction for the following: (i) providing for
1920 additional supplemental services that affect more than 25 per cent of the total annual budget; (ii)
1921 incurring indebtedness; (iii) changing the special assessment methodology, management entity or
1922 tourism destination marketing district committee; or (iv) change the tourism destination
1923 marketing district boundaries; provided, however, that said municipal governing body, after a
1924 public hearing, determines that it is in the public interest to adopt said amendments.

1925 (b) The municipal governing body shall give notice of the public hearing for the amendment to
1926 the district plan. Such notice shall be published for 2 consecutive weeks in a newspaper of
1927 general circulation in the area, with the first date of publication beginning at least 14 days prior
1928 to such hearing, and shall specify the time and the place of such hearing and the amendments to
1929 be considered.

1930 (c) The local municipal governing body may, within 30 days of the public hearing and, in its sole
1931 discretion, declare the amendments approved or disapproved. If approved, such amendments
1932 shall be effective upon the date of such approval.

1933 (d) Upon the adoption of any amendment to the tourism destination marketing district boundaries
1934 that increases the size of the tourism destination marketing district, any assessed lodging
1935 business owner to be added to the tourism destination marketing district shall be notified of the
1936 new boundaries of the tourism destination marketing district in accordance with section 4.

1937 Section 10. (a) Any tourism destination marketing district established or extended pursuant to
1938 this chapter may be disestablished by declaration of the local municipal governing body of the
1939 lead jurisdiction in either of the following circumstances:

1940 (i) if said local municipal governing body finds there has been misappropriation of funds,
1941 malfeasance or a violation of law in connection with the management of the tourism destination
1942 marketing district, it shall hold a hearing on disestablishment. Notice of the hearing shall be
1943 mailed to all tourism destination marketing district members within the tourism destination
1944 marketing district and shall be published in a newspaper of general circulation in the area at least
1945 14 days prior to such hearing; or

1946 (ii) during the operation of the tourism destination marketing district, there shall be a 30-day
1947 period each year in which the tourism destination marketing district may be dissolved by petition
1948 to the local municipal governing body and a subsequent decision by the local municipal
1949 governing body to authorize the dissolution. The 30-day period shall begin each successive year
1950 on the anniversary of the date the local municipal governing body formally approved the tourism
1951 destination marketing district. In order to be considered by the local municipal governing body, a
1952 petition to dissolve a tourism destination marketing district shall contain the signatures of a
1953 majority of the electors. The local municipal governing body shall hold a public hearing within
1954 30 days of receipt of a completed petition on the issue of dissolution. Notice of the hearing shall
1955 be mailed to all tourism destination marketing district members within the tourism destination
1956 marketing district and shall be published in a newspaper of general circulation in the area at least
1957 14 days prior to such hearing.

1958 Following the public hearing, the local municipal governing body may declare the tourism
1959 destination marketing district dissolved; provided, however, that no tourism destination
1960 marketing district shall be dissolved until it has satisfied or paid in full all of its outstanding
1961 indebtedness, obligations and liabilities; or until funds are on deposit and available therefor; or
1962 until a repayment schedule has been formulated and municipally approved therefor. In addition,
1963 the tourism destination marketing district shall be prohibited from incurring any new or
1964 increased financial obligations.

1965 (b) Any liabilities, either current or future, incurred as a result of action to accomplish the
1966 purposes of the tourism destination marketing district plan shall not be an obligation of the
1967 municipality. Said liabilities shall be paid for entirely from special assessment revenue gained
1968 from the assessed lodging businesses in the tourism destination marketing district.

1969 (c) Upon the dissolution of a tourism destination marketing district, any remaining revenues
1970 derived from the sale of assets acquired with special assessments collected shall be refunded to
1971 the lodging businesses owners in the tourism destination marketing district in which special
1972 assessments were charged by applying the same methodology used to calculate the special
1973 assessment in the fiscal year in which the tourism destination marketing district is dissolved in
1974 amounts proportionate to each lodging business's share of the total special assessments collected
1975 in the fiscal year in which the tourism destination marketing district is dissolved or in accordance
1976 with the tourism destination marketing district plan, as updated.

1977 Section 11. The validity of an assessment levied pursuant to this chapter shall not be contested in
1978 any action or proceeding unless the action or proceeding is commenced within 30 days after the
1979 formal approval of the tourism destination marketing district by the local municipal governing
1980 body of the lead jurisdiction. Any appeal from a final judgment in an action or proceeding shall
1981 be perfected within 30 days after entry of judgment.

1982 SECTION 57. Said section 6 of said chapter 62, as so appearing, is hereby further amended by
1983 adding the following subsection:-

1984 (w)(1) As used in this subsection, the following words shall have the following meanings unless
1985 the context clearly requires otherwise:

1986 "Commissioner", the commissioner of revenue.

1987 "Cranberry bog", an area actively cultivated for the harvesting or production of cranberries.

1988 "Qualified renovation", the renovation, repair, replacement, regrading or restoration of a
1989 cranberry bog for the cultivation, harvesting or production of cranberries or any other activity or
1990 action associated with the renovation of an abandoned cranberry bog; provided, however, that
1991 "qualified renovation" shall not include the construction of facilities or structures for the
1992 processing of cranberries.

1993 "Qualified renovation expenditure", an expenditure or a cost directly incurred in connection with
1994 the qualified renovation of a cranberry bog; provided, however, that "qualified renovation
1995 expenditure" shall not include costs incurred in acquiring or purchasing property for the
1996 construction of structures for the cultivation, harvesting or production of cranberries.

1997 "Secretary", the secretary of energy and environmental affairs.

1998 "Taxpayer", a taxpayer subject to taxation under this chapter.

1999 (2)(i) A taxpayer primarily engaged in cranberry production shall be allowed a credit against the
2000 taxes imposed by this chapter equal to 25 per cent of the total qualified renovation expenditures
2001 incurred in connection with the qualified renovation of a cranberry bog during the taxable year;
2002 provided, however, the amount of the credit that may be claimed by a taxpayer under this section
2003 shall not exceed \$100,000.

2004 (ii) The credit under this subsection shall be taken against the taxes imposed under this chapter
2005 and shall be refundable. The commissioner shall apply the credit against the liability of the
2006 taxpayer as determined on its return, as first reduced by any other available credits, and shall
2007 then refund to the taxpayer the balance of the credits. If the amount of the credit allowed under
2008 this subsection exceeds the taxpayer's tax liability, the commissioner shall treat the excess as an
2009 overpayment and shall pay the taxpayer the entire amount of the excess. Any amount of the tax

2010 credit that exceeds the tax due for a taxable year may be carried forward by the taxpayer to any
 2011 of the 5 subsequent taxable years.

2012 (iii) The secretary, in consultation with the commissioner of agricultural resources, shall
 2013 authorize annually, for the period beginning January 1, 2020 and ending December 31, 2024, tax
 2014 credits under this subsection together with section 38II of chapter 63 in an amount not to exceed
 2015 \$2,000,000 per taxable year. No credits shall be allowed under this subsection except to the
 2016 extent authorized in this paragraph.

2017 (3) For a taxpayer to qualify for a credit under this subsection, the taxpayer shall file with the
 2018 secretary a summary of qualified renovation expenditures in connection with the qualified
 2019 renovation. The secretary shall approve the summary of qualified renovation expenditures and
 2020 provide notice to the commissioner. Any qualified renovation expenditures applicable to this
 2021 credit shall be treated for purposes of this subsection as made on the date that the secretary
 2022 provides notice of the certification to the commissioner.

2023 (4) Any portion of tax credits not awarded by the secretary in a calendar year shall not be applied
 2024 to awards in a subsequent calendar year. The secretary shall provide any documentation that the
 2025 commissioner may deem necessary to confirm compliance with subparagraph (iii) of paragraph
 2026 (2) and the commissioner shall provide a report confirming compliance to the secretary of
 2027 administration and finance.

2028 (5) The secretary shall annually, not later than September 1, file a report with the house and
 2029 senate committees on ways and means, the joint committee on environment, natural resources
 2030 and agriculture and the joint committee on revenue identifying the total amount of tax credits
 2031 claimed and the total amount of tax credits refunded pursuant to this subsection in the preceding
 2032 fiscal year.

2033 (6) The secretary, in consultation with the commissioner of agricultural resources and the
 2034 commissioner of revenue, shall promulgate regulations or other guidelines necessary for the
 2035 administration and implementation of this subsection.

2036 SECTION 58. Section 6I of said chapter 62, as so appearing, is hereby amended by striking out,
 2037 in line 70, the figure "\$20,000,000" and inserting in place thereof the following figure:-
 2038 \$40,000,000.

2039 SECTION 59. Said section 6I of said chapter 62, as so appearing, is hereby further amended by
 2040 striking out the figure "\$40,000,000", inserted by section 54, and inserting in place thereof the
 2041 following figure:- \$20,000,000.

2042 SECTION 60. Subsection (b) of section 31H of chapter 63 of the General Laws, as so appearing,
2043 is hereby amended by striking out the figure "\$20,000,000" and inserting in place thereof the
2044 following figure:- \$40,000,000.

2045 SECTION 61. Said section 31H of said chapter 63, as so appearing, is hereby further amended
2046 by striking out the figure "\$40,000,000", inserted by section 56, and inserting in place thereof the
2047 following figure:- \$20,000,000.

2048 SECTION 62. Chapter 63 of the General Laws is hereby amended by inserting after section
2049 38HH the following 2 sections:-

2050 Section 38II. (a) The purpose of this section shall be to attract capital investment to businesses in
2051 rural areas of the commonwealth in order to promote the retention and expansion of existing
2052 jobs, stimulate the creation of new jobs, and attract new business and industry to rural areas of
2053 the commonwealth.

2054 (b) For the purposes of this section, the following words shall, unless the context clearly requires
2055 otherwise, have the following meanings:

2056 "Affiliate", an entity that directly or indirectly through 1 or more intermediaries, controls, is
2057 controlled by, or is under common control with another entity. An entity is controlled by another
2058 entity if: (i) the controlling entity holds, directly or indirectly, the majority voting or ownership
2059 interest in the controlled entity; or (ii) has control over the day-to-day operations of the
2060 controlled entity by contract or by law.

2061 "Closing date", the date on which a rural growth fund has collected all of the amounts specified
2062 by subsection (c).

2063 "Credit-eligible capital contribution", an investment of cash by a person subject to tax under this
2064 chapter in a rural growth fund that equals the amount specified on a tax credit certificate issued
2065 by the MOBD under paragraph (5) of subsection (c) of this section; provided, however, that the
2066 investment shall purchase an equity interest in the rural growth fund or purchase, at par value or
2067 premium, a debt instrument that has a maturity date at least 5 years from the closing date.

2068 "MOBD", the Massachusetts office of business development established in section 1 of chapter
2069 23A.

2070 "Investment authority", the amount stated on the notice issued under paragraph (5) of subsection
2071 (c) certifying the rural growth fund; provided, however, that at least 60 per cent of a rural growth
2072 fund's investment authority shall be comprised of credit-eligible capital contributions.

2073 "Jobs created", newly created positions of employment that were not previously located in the
2074 commonwealth at the time of the initial rural growth investment in the rural business concern

2075 and that require a minimum of 35 hours worked each week, measured each year by subtracting
2076 the number of employment positions at the time of the initial rural growth investment in the rural
2077 business concern from the monthly average of employment positions for the applicable year. The
2078 monthly average shall be calculated by adding together the number of employment positions
2079 existing on the last day of each month of the applicable year and dividing by 12. Such number
2080 shall not be less than zero.

2081 "Jobs retained", positions requiring a minimum of 35 hours worked each week that existed prior
2082 to the initial rural growth investment. Retained jobs shall be counted each year based on the
2083 monthly average of employment positions for the applicable year. The monthly average shall be
2084 calculated by adding together the number of employment positions existing on the last day of
2085 each month of the applicable year and dividing by 12. Such number shall not exceed the initial
2086 amount of retained jobs reported and shall be reduced each year if employment at the rural
2087 business concern drops below such number.

2088 "Principal business operations", the principal operations of a business are located at the place or
2089 places where at least 80 per cent of its employees work or where employees that are paid at least
2090 80 per cent of its payroll work; provided, however, that an out-of-state business that has agreed
2091 to relocate employees using the proceeds of a rural growth investment to establish its principal
2092 business operations in a rural area in the commonwealth shall be deemed to have its principal
2093 business operations in this new location if it satisfies this definition within 180 days after
2094 receiving the rural growth investment, unless the MOBD agrees to a later date.

2095 "Rural area", a municipality with population densities of less than 500 residents per square mile,
2096 according to the latest decennial census of the United States.

2097 "Rural business concern", a business that, at the time of the initial investment in the company by
2098 a rural growth fund: (i) has less than 250 employees and not more than \$10,000,000 in revenue
2099 for the preceding taxable year; (ii) has its principal business operations in 1 or more rural areas in
2100 the commonwealth; and (iii) is engaged in industries related to manufacturing, plant sciences,
2101 services or technology or other industries as MOBD may approve, or, if not engaged in such
2102 industries, the MOBD makes a determination that the investment will be highly beneficial to the
2103 economic growth of the commonwealth.

2104 "Rural growth fund", an entity certified by the MOBD under subsection (c).

2105 "Rural growth investment", any capital or equity investment in a rural business concern or any
2106 loan to a rural business concern with a stated maturity at least 1 year after the date of issuance.

2107 (c)(1) The MOBD shall accept applications for approval as a rural growth fund; provided,
2108 however, that the application shall include:

2109 (i) the total investment authority sought by the applicant under the business plan;

2110 (ii) the following documents and other evidence:

2111 (A) a copy of the applicant's or an affiliate of the applicant's license as a rural business
2112 investment company under 7 U.S.C. 2009cc, or as a small business investment company under
2113 15 U.S.C. 681; and evidence sufficient to prove that at least 1 principal in a rural business
2114 investment company licensed under 7 U.S.C. 2009cc et seq. or a small business investment
2115 company licensed under 15 U.S.C. 681 is, and has been for at least 4 years, an officer or
2116 employee of the applicant or of an affiliate of the applicant on the date the application is
2117 submitted; and (B) evidence sufficient to prove, to the satisfaction of the MOBD, that as of the
2118 date the application is submitted, the applicant or affiliates of the applicant have invested at least
2119 \$50,000,000 in non-public companies located in rural areas;

2120 (iii) an estimate of the number of jobs created and jobs retained in the commonwealth as a result
2121 of the applicant's rural growth investments;

2122 (iv) a business plan that includes a revenue impact assessment projecting state and local tax
2123 revenue to be generated by the applicant's proposed rural growth investments prepared by a
2124 nationally recognized third-party independent economic forecasting firm using a dynamic
2125 economic forecasting model that analyzes the applicant's business plan over the 10 years
2126 following the date the application is submitted to the MOBD; provided, however, that the
2127 dynamic forecasting model shall consider the economic impact of retained jobs as well as created
2128 jobs in the business plan;

2129 (v) a signed affidavit from each investor stating the amount of credit-eligible capital
2130 contributions each taxpayer commits to make; and

2131 (vi) a non-refundable application fee of \$5,000.

2132 (2) The MOBD shall make an application determination within 30 days of receipt in the order in
2133 which the applications are received. The MOBD shall deem applications received on the same
2134 day to have been received simultaneously. The MOBD shall not approve more than
2135 \$100,000,000 in investment authority and not more than \$60,000,000 in credit-eligible capital
2136 contributions under this section. If a request for investment authority exceeds this limitation, the
2137 MOBD shall reduce the investment authority and the credit-eligible capital contributions for that
2138 application as necessary to avoid exceeding the limit. If multiple applications received on the
2139 same day request a combined investment authority that exceeds this limitation, the MOBD shall
2140 proportionally reduce the investment authority and the credit eligible capital contributions for
2141 those applications as necessary to avoid exceeding the limit.

2142 (3) The MOBD shall deny an application submitted under this section if any of the following are
2143 true:

2144 (i) the application is incomplete or the application fee is not paid in full;

2145 (ii) the applicant does not satisfy all the criteria described in clause (ii) of paragraph (1);

2146 (iii) the revenue impact assessment submitted under clause (iv) of paragraph (1) does not
2147 demonstrate that the applicant's business plan, and associated created and retained jobs, will
2148 result in a positive economic impact on the commonwealth over a 10-year period that exceeds
2149 the cumulative amount of tax credits that would be issued to the applicant's investors under
2150 subsection (d) if the application were approved;

2151 (iv) the credit-eligible capital contributions described in affidavits submitted under clause (v) of
2152 paragraph (1) do not equal at least 60 per cent of the total amount of investment authority sought
2153 under the applicant's business plan; or

2154 (v) the MOBD has already approved the maximum amount of investment authority and credit
2155 eligible capital contributions allowed under paragraph (2).

2156 (4) If the MOBD denies an application, the applicant may provide additional information to the
2157 MOBD to complete, clarify or cure defects in the application identified by the MOBD within 15
2158 days of the notice of denial for reconsideration and determination. If the applicant completes,
2159 clarifies or cures its application within 15 days after the date of the notice of denial, the
2160 application shall be considered complete as of the original date of submission. If the applicant
2161 fails to provide the information to complete, clarify or cure its application within the 15-day
2162 period, the application remains denied and must be resubmitted in full with a new date of
2163 submission. The MOBD shall review and reconsider such applications within 30 days and before
2164 any pending application submitted after the original submission date of the reconsidered
2165 application.

2166 (5) The MOBD shall not deny a rural growth fund application or reduce the requested investment
2167 authority for reasons other than those described in paragraphs (2) and (3). Upon approval of an
2168 application, the MOBD shall provide a written approval to the applicant as a rural growth fund
2169 specifying the amount of the applicant's investment authority and a tax credit certificate to each
2170 investor whose affidavit was included in the application specifying the amount of the investor's
2171 credit-eligible capital contribution.

2172 (6) After receiving the approval issued under paragraph (5), a rural growth fund shall:

2173 (i) within 60 days:

2174 (A) collect the credit-eligible capital contributions from each taxpayer issued a tax credit
2175 certificate under paragraph (5), and

2176 (B) collect 1 or more investments of cash that, when added to the contributions collected under
2177 subclause (A), equal the rural growth fund's investment authority; provided, however, that at
2178 least 10 per cent of the rural growth fund's investment authority shall be comprised of equity
2179 investments contributed by affiliates of the rural growth fund, including employees, officers and
2180 directors of such affiliates; and

2181 (ii) within 65 days, send to the MOBD documentation sufficient to prove that the amounts
2182 described in clause (i) have been collected.

2183 (7) If the rural growth fund fails to fully comply with paragraph (6), the rural growth fund's
2184 approval shall lapse and the corresponding investment authority and credit-eligible capital
2185 contributions under said paragraph (6) shall not count toward the limits on the program size
2186 prescribed in paragraph (2). The MOBD shall first award lapsed investment authority pro rata to
2187 each rural growth fund that was awarded less than the requested investment authority under said
2188 paragraph (2), which a rural growth fund may allocate to its investors at its discretion. Any
2189 remaining investment authority may be awarded by the MOBD to new applicants.

2190 (d) (1) There is hereby allowed a nonrefundable tax credit for taxpayers that made a credit-
2191 eligible capital contribution to a rural growth fund and were issued a tax credit certificate under
2192 paragraph (5) of subsection (c). The credit may be claimed against the tax imposed by this
2193 chapter. The credit may not be sold, transferred or allocated to any other entity other than an
2194 affiliate subject to the tax imposed by this chapter.

2195 (2) On the closing date, the taxpayer shall earn a vested credit equal to the amount of the
2196 taxpayer's credit-eligible capital contribution to the rural growth fund as specified on the tax
2197 credit certificate. The taxpayer may claim up to 25 per cent of the credit authorized under this
2198 subsection for each of the taxable years that includes the third, fourth, fifth or sixth anniversary
2199 of the closing date, exclusive of amounts carried forward pursuant to paragraph (3).

2200 (3) If the amount of the credit for a taxable year exceeds the tax otherwise due for that year, the
2201 excess shall be carried forward to ensuing taxable years until fully used. A taxpayer claiming a
2202 credit under this section shall submit a copy of the tax credit certificate with the taxpayer's return
2203 for each taxable year for which the credit is claimed.

2204 (e)(1) The MOBD shall revoke a tax credit certificate issued under subsection (c) if any of the
2205 following occurs with respect to a rural growth fund before it exits the program in accordance
2206 with paragraph (4):

2207 (i) the rural growth fund in which the credit-eligible capital contribution was made does not
2208 invest 100 per cent of its investment authority in rural growth investments in the commonwealth
2209 within 2 years of the closing date; provided, however, that, for the purpose of satisfying the
2210 requirements of this clause, the maximum amount of rural growth investments that a rural
2211 growth fund may count with respect to a single rural business concern, including amounts
2212 invested in affiliates of the rural business concern, may not exceed the greater of \$5,000,000 or
2213 20 per cent of the rural growth fund's investment authority;

2214 (ii) the rural growth fund, after satisfying clause (i), fails to maintain rural growth investments
2215 equal to 100 per cent of its investment authority until the sixth anniversary of the closing date;
2216 provided, however, that an investment shall be considered to be "maintained" even if the
2217 investment is sold or repaid if the rural growth fund reinvests an amount equal to the capital
2218 returned or recovered by the fund from the original investment, exclusive of any profits realized,
2219 in other rural growth investments in the commonwealth within 12 months of the receipt of such
2220 capital; provided further, that amounts received periodically by a rural growth fund shall be
2221 treated as continually invested in rural growth investments if the amounts are reinvested in 1 or
2222 more rural growth investments by the end of the following calendar year; provided, further, that,
2223 for purposes of satisfying the requirements of this clause, the maximum amount of rural growth
2224 investments that a rural growth fund may count with respect to a single rural business concern,
2225 including amounts invested in affiliates of the rural business concern, may not exceed the greater
2226 of \$5,000,000 or 20 per cent of the rural growth fund's investment authority;

2227 (iii) the rural growth fund, before exiting the program in accordance with paragraph (4), makes a
2228 distribution or payment that results in the rural growth fund having less than 100 per cent of its
2229 investment authority invested in rural growth investments in the commonwealth or available for
2230 investment in rural growth investments and held in cash and other marketable securities; or

2231 (iv) the rural growth fund makes a rural growth investment in a rural business concern that
2232 directly or indirectly through an affiliate owns, has the right to acquire an ownership interest,
2233 makes a loan to, or makes an investment in the rural growth fund, an affiliate of the rural growth
2234 fund or an investor in the rural growth fund; provided, however, that this clause does not apply to
2235 investments in publicly traded securities by a rural business concern or an owner or affiliate of
2236 such concern; and provided further, that a rural growth fund shall not be considered an affiliate
2237 of a rural business concern solely as a result of its rural growth investment.

2238 (2) Before revoking 1 or more tax credit certificates under this subsection, the MOBD shall
2239 notify the rural growth fund of the reasons for the pending revocation. The rural growth fund
2240 shall have 90 days from the date the notice was received to correct any violation outlined in the
2241 notice to the satisfaction of the MOBD and avoid revocation of the tax credit certificate.

2242 (3) If tax credit certificates are revoked under this subsection, the associated investment authority
2243 and credit-eligible capital contributions shall not count toward the limit on total investment

2244 authority and credit-eligible capital contributions described in paragraph (2) of subsection (c).
2245 The MOBD shall first award reverted authority pro rata to each rural growth fund that was
2246 awarded less than the requested investment authority under paragraph (5) of subsection (c). The
2247 MOBD may award any remaining investment authority to new applicants.

2248 (4) On or after the sixth anniversary of the closing date, a rural growth fund may apply to the
2249 MOBD to exit the program and no longer be subject to the provisions of this section. The MOBD
2250 shall respond to the application within 30 days of receipt. In evaluating the application, the fact
2251 that no tax credit certificates have been revoked and that the rural growth fund has not received a
2252 notice of revocation that has not been cured under paragraph (2) shall be sufficient evidence to
2253 prove that the rural growth fund is eligible to exit. The MOBD shall not unreasonably deny an
2254 application submitted under this paragraph. If the application is denied, the notice shall include
2255 the reasons for the denial.

2256 (5) The MOBD shall not revoke a tax credit certificate after the rural growth fund's exit from the
2257 program.

2258 (6) Once a rural growth fund has been determined to be eligible to exit under paragraph (4), if
2259 the number of jobs created and jobs retained by the rural business concerns that received rural
2260 growth investments from the rural growth fund, calculated pursuant to reports filed by the rural
2261 growth fund pursuant to subsection (g), is less than the number projected in the rural growth
2262 fund's business plan filed as part of its application for certification under subsection (c), then the
2263 commonwealth shall receive a percentage of any distribution or payment made to the equity
2264 holders of the rural growth fund in excess of the rural growth fund's investment authority and an
2265 amount equal to any projected increase in the equity holders' federal or state tax liability,
2266 including penalties and interest, related to the equity holders' ownership, management or
2267 operation of the fund; such percentage shall be equal to the percentage shortfall of the number of
2268 jobs created and retained relative to the projected jobs created and retained, as such number of
2269 jobs is certified under subsection (g) of this section; provided, however, that all reports filed by a
2270 rural growth fund under subsection (g) shall be taken into account to arrive at a summation of
2271 jobs created and retained.

2272 (7) If the rural growth fund's rural growth investments achieved a 20 per cent or greater internal
2273 rate of return, the commonwealth shall receive 15 per cent of any distribution or payment made
2274 to the equity holders of the rural growth fund in excess of the rural growth fund's investment
2275 authority and an amount equal to any projected increase in the equity holders' federal or state tax
2276 liability, including penalties and interest, related to the equity holders' ownership of the fund.
2277 Any amounts payable to the state pursuant to paragraph (6) of this subsection shall be in addition
2278 to amounts due under this paragraph.

2279 (8) All amounts payable to the commonwealth pursuant to paragraph (6) and (7) shall be subject
2280 to appropriation for purposes of supporting rural school aid.

2281 (f) A rural growth fund, before making a rural growth investment, may request from the MOBD
2282 a written opinion as to whether the business in which it proposed to invest is a rural business
2283 concern. The MOBD, not later than the 15 business day after the date of receipt of the request,
2284 shall notify the rural growth fund of its determination. If the MOBD fails to notify the rural
2285 growth fund by the 15 business day of its determination, the business in which the rural growth
2286 fund proposes to invest shall be considered a rural business concern.

2287 (g)(1) Each rural growth fund shall submit a report to the MOBD on or before the fifth business
2288 day after the second anniversary of the closing date. The report shall provide documentation as to
2289 the rural growth fund's rural growth investments and include:

2290 (i) a bank statement evidencing each rural growth investment;

2291 (ii) the name, location and industry of each business receiving a rural growth investment,
2292 including either the determination letter set forth in subsection (f) or evidence that the business
2293 qualified as a rural business concern at the time the investment was made;

2294 (iii) the number of jobs created or jobs retained as a result of the rural growth fund's rural growth
2295 investments as of the last day of the preceding 2 calendar years; provided, however, that job
2296 numbers shall be certified by each rural business concern's independent certified public
2297 accountant that is licensed to do business in the commonwealth or by the rural growth fund's
2298 nationally recognized independent certified public accounting firm. MOBD shall publish a list of
2299 nationally recognized independent certified public accounting firms, which shall include at least
2300 10 firms, within 12 months of certifying the first rural growth fund and shall periodically update
2301 such list as MOBD deems appropriate; and

2302 (iv) any other information required by the MOBD.

2303 (2) On or before the last day of February of each year following the year in which the report
2304 required under paragraph (1) is due, the rural growth fund shall submit an annual report to the
2305 MOBD, which shall include the following:

2306 (i) the number of jobs created or jobs retained as a result of the rural growth fund's rural growth
2307 investments as of the last day of the preceding calendar year, which number shall be
2308 independently certified in accordance with clause (iii) of paragraph (1);

2309 (ii) the average annual salary of the positions described in clause (i); and

2310 (iii) any other information required by the MOBD.

2311 (h) The MOBD shall promulgate regulations necessary to implement the provisions in this
2312 section.

2313 Section 38JJ. (a) As used in this section, the following words shall have the following meanings
2314 unless the context clearly requires otherwise:

2315 "Commissioner", the commissioner of revenue.

2316 "Cranberry bog", an area actively cultivated for the harvesting or production of cranberries.

2317 "Qualified renovation", the renovation, repair, replacement, regrading or restoration of a
2318 cranberry bog for the cultivation, harvesting or production of cranberries or any other activity or
2319 action associated with the renovation of an abandoned cranberry bog; provided, however, that
2320 "qualified renovation" shall not include the construction of facilities or structures for the
2321 processing of cranberries.

2322 "Qualified renovation expenditure", an expenditure or a cost directly incurred in connection with
2323 the qualified renovation of a cranberry bog; provided, however, that "qualified renovation
2324 expenditure" shall not include costs incurred in acquiring or purchasing property for the
2325 construction of facilities or structures for the cultivation, harvesting or production of
2326 cranberries.

2327 "Secretary", the secretary of energy and environmental affairs.

2328 "Taxpayer", a taxpayer subject to taxation under this chapter.

2329 (b)(1) A taxpayer primarily engaged in cranberry production shall be allowed a credit against the
2330 taxes imposed by this chapter equal to 25 per cent of the total qualified renovation expenditures
2331 incurred in connection with the qualified renovation of a cranberry bog during the taxable year;
2332 provided, however, the amount of the credit that may be claimed by a taxpayer under this section
2333 shall not exceed \$100,000.

2334 (2) The credit under this section shall be taken against the taxes imposed under this chapter and
2335 shall be refundable. The commissioner shall apply the credit against the liability of the taxpayer
2336 as determined on its return, as first reduced by any other available credits, and shall then refund
2337 to the taxpayer the balance of the credits. If the amount of the credit allowed under this section
2338 exceeds the taxpayer's tax liability, the commissioner shall treat the excess as an overpayment
2339 and shall pay the taxpayer the entire amount of the excess. Any amount of the tax credit that
2340 exceeds the tax due for a taxable year may be carried forward by the taxpayer to any of the 5
2341 subsequent taxable years.

2342 (3) The secretary, in consultation with the commissioner of agricultural resources, shall authorize
2343 annually, for the period beginning January 1, 2020 and ending December 31, 2024, tax credits
2344 under this subsection together with subsection (w) of section 6 of chapter 62 in an amount not to
2345 exceed \$2,000,000 per taxable year. No credits shall be allowed under this section except to the
2346 extent authorized in this section.

2347 (c) For a taxpayer to qualify for the credit provided for under this section, the taxpayer shall file
2348 with the secretary a summary of qualified renovation expenditures in connection with the
2349 qualified renovation. The secretary shall approve the summary of qualified renovation
2350 expenditures and provide notice to the commissioner. Any qualified renovation expenditures
2351 applicable to this credit shall be treated for purposes of this section as made on the date that the
2352 secretary provides notice of the certification to the commissioner.

2353 (d) Any portion of tax credits not awarded by the secretary in a calendar year shall not be applied
2354 to awards in a subsequent calendar year. The secretary shall provide any documentation that the
2355 commissioner may deem necessary to confirm compliance with paragraph (3) of subsection (b)
2356 and the commissioner shall provide a report confirming compliance to the secretary of
2357 administration and finance.

2358 (e) The secretary shall annually, not later than September 1, file a report with the house and
2359 senate committees on ways and means, the joint committee on environment, natural resources
2360 and agriculture and the joint committee on revenue identifying the total amount of tax credits
2361 claimed and the total amount of tax credits refunded pursuant to this section in the preceding
2362 fiscal year.

2363 (f) The secretary, in consultation with the commissioner of agricultural resources and the
2364 commissioner of revenue, shall promulgate regulations or other guidelines necessary for the
2365 administration and implementation of this section.

2366 SECTION 63. Section 2 of chapter 90 of the General Laws, as appearing in the 2018 Official
2367 Edition, is hereby amended by inserting after the seventh sentence the following sentence:- The
2368 registry of motor vehicles shall not provide a motor vehicle registration to a natural person until
2369 the registry of motor vehicles has confirmed the validity and status of the person's driver's license
2370 and certified that the person is in compliance with this chapter and with applicable rules and
2371 regulations promulgated by the registry of motor vehicles.

2372 SECTION 64. Section 24A of chapter 93 of the General Laws, as so appearing, is hereby
2373 amended by adding the following subsection:-

2374 (e) A student loan servicer licensed under chapter 93L who is engaged solely in the activities of a
2375 student loan servicer shall not be required to: (i) obtain a debt collector license pursuant to
2376 subsection (a); or (ii) register as a third party loan servicer pursuant to subsection (b); provided,
2377 however, that if a student loan servicer acts, represents, operates or holds itself out as a third
2378 party loan servicer or debt collector outside of the scope of said chapter 93L, the student loan
2379 servicer shall register as a third party loan servicer or obtain a debt collector license, or both, as
2380 appropriate. A licensed student loan servicer who engages in third party loan servicing activities
2381 or debt collection activities within the scope of said chapter 93L shall comply with all state and

2382 federal laws and regulations governing third party loan servicers and debt collection when acting
2383 in such capacity.

2384 SECTION 65. The General Laws are hereby amended by inserting after chapter 93K the
2385 following chapter:-

2386 CHAPTER 93L.

2387 STUDENT LOAN SERVICERS.

2388 Section 1. As used in this chapter, the following terms shall have the following meanings unless
2389 the context clearly requires otherwise:

2390 "Commissioner", the commissioner of banks.

2391 "Person", a natural person, corporation or other entity.

2392 "Servicing", (i) receiving or soliciting a scheduled periodic payment from a borrower pursuant to
2393 the terms of a student loan and making the principal, interest and other payments to the owner of
2394 the loan or other third party with respect to the amounts received from the borrower as may be
2395 required pursuant to the terms of the servicing loan document or servicing contract; (ii)
2396 maintaining account records for a loan and communicating with the borrower regarding the loan
2397 on behalf of the owner of the loan during a period in which no payment is required on the loan;
2398 or (iii) interacting with a borrower, including activities to help prevent default on obligations
2399 arising from a loan, to facilitate the activities described in clause (i) or clause (ii); provided,
2400 however, that the actions of the student loan ombudsman under section 35 of chapter 12 and the
2401 actions of the division of banks consumer assistance unit under section 3A of chapter 26 shall not
2402 constitute servicing.

2403 "Student loan", a loan primarily used to finance post-secondary education or other school-related
2404 expenses.

2405 "Student loan borrower", a resident of the commonwealth who has received or agreed to repay a
2406 student loan or a person who shares responsibility with that resident for repaying the student
2407 loan.

2408 "Student loan servicer", a person responsible for servicing a student loan to a student loan
2409 borrower.

2410 Section 2. (a) A person shall not directly or indirectly act as a student loan servicer without first
2411 obtaining a student loan servicer license pursuant to subsection (e) or an automatic federal
2412 student loan servicer license pursuant to subsection (f), as applicable, unless the person is exempt
2413 from licensure pursuant to subsection (b); provided, however, that a person with an automatic

2414 federal student loan servicer license shall not directly or indirectly act as a student loan servicer,
2415 other than pursuant to a contract with the United States Secretary of Education under 20 U.S.C.
2416 1087f, without first obtaining a student loan servicer license under subsection (e).

2417 (b) The following persons shall be exempt from student loan servicer licensing requirements
2418 under this section: (i) banks and credit unions, including federal credit unions and out-of-state
2419 banks and credit unions; (ii) wholly-owned subsidiaries of banks and credit unions; and (iii)
2420 nonprofit or public institutions of higher education.

2421 (c) A person seeking to act as a student loan servicer, other than pursuant to a contract with the
2422 United States Secretary of Education under 20 U.S.C. 1087f, shall submit an application for a
2423 student loan servicer license in such form as the commissioner shall prescribe. The application
2424 may require that an applicant provide: (i) a financial statement prepared by a certified public
2425 accountant or a public accountant; (ii) a history of criminal convictions of the applicant; or (iii)
2426 any other information the commissioner considers necessary.

2427 (d) An application for a student loan servicer license shall be accompanied by: (i) a
2428 nonrefundable license fee; (ii) a nonrefundable investigation fee; and (iii) a surety bond that
2429 provides for coverage for the applicant in an amount determined by the commissioner and in a
2430 form prescribed by the commissioner. The secretary of administration and finance shall annually
2431 determine the amounts of the license and investigation fees required under clauses (i) and (ii)
2432 pursuant to section 3B of chapter 7. The amount and form of the surety bond required under
2433 clause (iii) shall be determined by the commissioner.

2434 (e) After the filing of an application for an initial student loan servicer license and the payment
2435 of the license and investigation fees, the commissioner shall investigate the financial condition,
2436 responsibility, financial and business experience, character and general fitness of the applicant.

2437 The commissioner may issue a student loan servicer license if the commissioner finds that: (i)
2438 the applicant's financial condition is sound; (ii) the applicant's business has been conducted and
2439 will be conducted honestly, fairly, equitably, carefully, efficiently and in a manner consistent
2440 with this chapter; (iii) (A) if the applicant is an individual, the individual is properly qualified
2441 and of good character; (B) if the applicant is a partnership, each partner is properly qualified and
2442 of good character; (C) if the applicant is a corporation or association, the president, chair of the
2443 executive committee, senior officer responsible for the corporation's business and chief financial
2444 officer or any other person who performs similar functions as determined by the commissioner,
2445 each director, each trustee and each shareholder owning at least 10 per cent of each class of the
2446 securities of the corporation are properly qualified and of good character; or (D) if the applicant
2447 is a limited liability company, each member is properly qualified and of good character; (iv) no
2448 person on behalf of the applicant has knowingly made any incorrect statement of a material fact
2449 in the application or in any report or statement made pursuant to this chapter; (v) no person
2450 acting on behalf of the applicant has knowingly failed to state any material fact necessary to give

2451 the commissioner any information required by the commissioner; (vi) the applicant has paid the
2452 license and investigation fees and provided the required surety bond under subsection (d); and
2453 (vii) the applicant has met all other requirements as determined by the commissioner.

2454 (f) The commissioner shall issue an automatic federal student loan servicer license to a person
2455 that acts or intends to act as a student loan servicer pursuant to a contract with the United States
2456 Secretary of Education under 20 U.S.C. 1087f. The automatic federal student loan servicer
2457 license shall be irrevocable and shall not expire except as otherwise provided in this section.

2458 Upon receipt of the automatic federal student loan servicer license, the student loan servicer shall
2459 pay the license and investigation fees and provide the required bond under subsection (d).

2460 A person issued an automatic federal student loan servicer license shall provide written notice to
2461 the commissioner not more than 7 business days after receiving notification of the expiration,
2462 revocation or termination of a contract awarded by the United States Secretary of Education
2463 under 20 U.S.C 1087f. An automatic federal student loan servicer license shall immediately
2464 expire if the licensee is no longer acting as a student loan servicer pursuant to a contract with the
2465 United States Secretary of Education under said 20 U.S.C. 1087f. Nothing in this subsection
2466 shall prevent the commissioner from issuing a cease and desist or injunction against a student
2467 loan servicer to cease activities in violation of this chapter to the extent permitted by law.

2468 (g) A student loan servicer license issued pursuant to subsection (e) shall be valid for 1 year as of
2469 a date determined by the commissioner unless suspended or revoked and shall not be
2470 automatically renewed.

2471 (h) A student loan servicer license issued pursuant to subsection (e) may be renewed upon the
2472 filing of a renewal application containing all of the required documents and fees as provided in
2473 subsection (c). A renewal application shall be filed not less than 30 days before the expiration of
2474 the student loan servicer's current license. The commissioner may assess a late fee for renewal
2475 applications filed less than 30 days before the expiration of a student loan servicer license.

2476 If an application for renewal of a student loan servicer license under said subsection (e) has been
2477 filed with the commissioner not later than the date the previous license is to expire, the license
2478 sought to be renewed shall continue in full force and effect until the issuance of the renewal
2479 license or until the commissioner has notified the licensee in writing of the commissioner's
2480 refusal to renew the license, together with the grounds upon which that refusal is based. The
2481 commissioner may refuse to renew a student loan servicer license for any reason that the
2482 commissioner may refuse to issue an initial student loan servicer license under said subsection
2483 (e).

2484 (i) The commissioner may consider an application for a student loan servicer license under
2485 subsection (e) abandoned if the applicant fails to respond to a request for information required

2486 under this section within 60 days after such request is made. The commissioner shall notify the
2487 applicant, in writing, that the application shall be considered abandoned if the applicant fails to
2488 submit that information within the required time period. Abandonment of an application pursuant
2489 to this subsection shall not preclude the applicant from submitting a new application for a student
2490 loan servicer license under this chapter.

2491 Section 3. Not later than 15 days after a licensed student loan servicer ceases to engage in the
2492 business of student loan servicing for any reason including, but not limited to: (i) a business
2493 decision to terminate operations in the commonwealth; (ii) license expiration, revocation or
2494 termination; (iii) bankruptcy; or (iv) voluntary dissolution, the licensee shall provide written
2495 notice of surrender to the commissioner and shall surrender to the commissioner the student loan
2496 servicer license or automatic federal student loan servicer license for each location in which the
2497 licensee has ceased to engage in such business.

2498 The notice shall include, but not be limited to: (i) the location where the records of the student
2499 loan servicer shall be stored; and (ii) the name, address and telephone number of an individual
2500 authorized to provide access to the records. The surrender of a student loan servicer license or
2501 automatic federal student loan servicer license shall not affect the licensee's civil or criminal
2502 liability arising from acts or omissions occurring before the surrender of the license.

2503 Section 4. The commissioner may participate in a multistate licensing system for the sharing of
2504 regulatory information and for the application, by electronic or other means, and licensing of
2505 persons engaged in student loan servicing. The commissioner may establish requirements for
2506 participation by an applicant in a multistate licensing system that vary from the provisions of this
2507 chapter. The commissioner may require a background investigation of each applicant for a
2508 student loan servicer license by means of fingerprint and state and national criminal history
2509 record checks by the department of criminal justice information services pursuant to section 172
2510 of chapter 6 and the Federal Bureau of Investigation.

2511 If the applicant is a partnership, association, corporation or other form of business organization,
2512 the commissioner may require a background investigation for each member, director and
2513 principal officer of the applicant and any individual acting as a manager of an office location.
2514 The applicant shall pay directly to the multistate licensing system any additional fees related to
2515 participation in the multistate licensing system.

2516 Section 5. (a) If a person licensed as a student loan servicer under subsection (e) of section 2
2517 intends to operate at any place in addition to the address on the license or plans to change the
2518 location of its place of business, the licensee shall: (i) notify the commissioner, in writing, not
2519 less than 30 days before doing so; and (ii) shall pay a fee for each additional location at a
2520 reasonable cost as determined by the commission. Such notice shall contain the address of any
2521 additional or changed location and such other information required by the commissioner. A
2522 student loan servicer license shall not be transferable or assignable.

2523 (b) A student loan servicer shall maintain adequate records of each student loan transaction for
2524 not less than 2 years following the final payment on the student loan or the assignment of the
2525 student loan, whichever occurs first, or except as otherwise required by federal law or a contract
2526 with the United States Secretary of Education under 20 U.S.C. 1087f. The commissioner may
2527 request these records from a student loan servicer and the servicer shall comply with the request
2528 not later than 5 business days after the request is received. The commissioner may, upon request,
2529 grant a student loan servicer additional time to make such records available.

2530 Section 6. A student loan servicer shall comply with all applicable federal laws and regulations
2531 relating to student loan servicing. A violation of a federal law or regulation shall be a violation of
2532 this chapter and the commissioner may investigate any such violation pursuant to section 7.

2533 Section 7. (a) The commissioner shall conduct investigations and examinations: (i) for initial
2534 licensing, license renewal, license suspension, license revocation or termination or determining
2535 compliance with this chapter; and (ii) of violations or complaints arising under this chapter.

2536 In an investigation or examination conducted pursuant to this section, the commissioner may
2537 access, receive and use information from any relevant party's books, accounts, records, files,
2538 documents and other information as needed.

2539 If there is reason to believe that a person other than a licensee has violated this chapter, the
2540 commissioner may investigate the person as necessary. The commissioner may examine the
2541 person who allegedly violated this chapter and may compel the production of relevant books,
2542 accounts, records, files, documents and other information as needed.

2543 The total cost for any investigation or examination shall be paid by the student loan servicer not
2544 more than 30 days after the receipt of an invoice for the total cost, shall be in accordance with
2545 fees determined annually by the secretary of administration and finance pursuant to section 3B of
2546 chapter 7 and shall include expenses for necessary travel outside of the commonwealth to
2547 conduct the investigation or examination.

2548 All records of investigations and reports of examinations by the commissioner, including
2549 workpapers, information derived from the reports and responses to the reports, and any copies
2550 thereof in the possession of a student loan servicer under the supervision of the commissioner,
2551 shall be confidential and privileged communications; provided, however, that nothing in this
2552 subsection shall interfere with the work of the office of the student loan ombudsman established
2553 under section 35 of chapter 12; and provided further, that records shall be made public if it is in
2554 the public interest.

2555 For the purposes of this subsection, records of investigation and reports of examinations shall
2556 include records of investigation and reports of examinations conducted by a financial regulatory
2557 agency of the federal government, another state or a foreign government that are considered

2558 confidential by the agency or foreign government and are in the possession of the commissioner.
2559 In a proceeding before a court, the court may issue a protective order in appropriate
2560 circumstances to protect the confidentiality of the record and order that the record on file with
2561 the court or filed in connection with the court proceeding be sealed and that the public be
2562 excluded from any portion of the proceeding at which the record is disclosed. Copies of the
2563 reports of examination shall be furnished to a licensee for the licensee's use only and shall not be
2564 exhibited to any other person, organization or agency without prior written approval by the
2565 commissioner. The commissioner may furnish information, reports and statements relating to the
2566 licensees under the commissioner's supervision to regulatory agencies of the federal government,
2567 other states and foreign countries and to law enforcement agencies as considered appropriate.

2568 (b) In an investigation or examination conducted pursuant to this section, the commissioner shall
2569 have free access to the documents and records of the student loan servicer or any other person
2570 under investigation or examination. Unless the commissioner has reasonable grounds to believe
2571 that the documents or records of the student loan servicer or other person have been or are at risk
2572 of being altered or destroyed for the purposes of concealing a violation of this chapter, the
2573 student loan servicer or owner of the documents and records shall have access to the documents
2574 or records as necessary to conduct ordinary business affairs.

2575 (c) No student loan servicer or person subject to investigation or examination under this section
2576 shall knowingly withhold, amend, remove, mutilate or destroy any books, records, computer
2577 records or other information requested by the commissioner.

2578 (d) The commissioner may suspend a student loan servicer license issued under subsection (e) of
2579 section 2 if the commissioner finds that: (i) the student loan servicer has violated this chapter; or
2580 (ii) a fact or condition exists that would have warranted a denial of the license if the fact or
2581 condition existed at the time of the original application for the license.

2582 (e) The commissioner may revoke or refuse to renew a student loan servicer license issued under
2583 subsection (e) of section 2 if the commissioner finds: (i) 2 or more violations or facts or
2584 conditions as described in subsection (d) during a license period; (ii) reckless or willful conduct
2585 on the part of the licensee; or (iii) it is in the public interest to revoke or refuse to renew the
2586 license.

2587 (f) Notwithstanding any general or special law to the contrary, if the commissioner determines
2588 that a person has violated this chapter or that a person or entity associated with a student loan
2589 servicer has committed fraud or engaged in unfair, deceptive or dishonest activities, the
2590 commissioner may take action against that person or entity including, but not limited to: (i)
2591 suspension or revocation of that person's license pursuant to subsection (e); (ii) imposition of an
2592 administrative penalty of not more than \$50,000 per incident; or (iii) both.

2593 Section 8. A student loan servicer shall not engage in unfair methods of competition or unfair or
2594 deceptive acts or practices. A violation of this chapter shall also be a violation of chapter 93A.
2595 Nothing in this chapter shall preclude an action being brought under said chapter 93A or any
2596 other law.

2597 The commissioner may notify the attorney general or the student loan ombudsman established in
2598 section 35 of chapter 12 of a potential violation of this chapter or said chapter 93A.

2599 Section 9. The commissioner shall promulgate rules and regulations necessary to implement this
2600 chapter.

2601 SECTION 66. Section 3 of chapter 101 of the General Laws, as so appearing, is hereby amended
2602 by striking out the words "one year", in line 23, and inserting in place thereof the following
2603 words:- 3 years.

2604 SECTION 67. Section 87T of chapter 112 of the General Laws, as so appearing, is hereby
2605 amended by inserting after the word "hairdressing", in line 63, the following words:- ; provided
2606 further, that "hairdressing" shall not include natural hair braiding.

2607 SECTION 68. Said section 87T of said chapter 112, as so appearing, is hereby further amended
2608 by inserting after the definition of "Mobile services" the following definition:-

2609 "Natural hair braiding", twisting, wrapping, weaving, extending, locking or braiding the hair of
2610 any person either by hand or with a mechanical device.

2611 SECTION 69. The first paragraph of section 87V of said chapter 112, as so appearing, is hereby
2612 amended by adding following sentence:- Natural hair braiding shall be exempt from the rules and
2613 regulations issued by the board.

2614 SECTION 70. Section 1 of chapter 121B of the General Laws, as so appearing, is hereby
2615 amended by striking out the definition of "Tenant member" and inserting in place thereof the
2616 following definition:-

2617 "Tenant member", a member of the board of a housing authority who is: (i) a tenant who has
2618 signed a lease for a public housing unit owned and operated by the housing authority; (ii) a
2619 tenant in a public housing unit owned and operated on behalf of a housing authority; (iii) a
2620 participant in a rental assistance program administered by a housing authority; or (iv) an adult
2621 over the age of 18 years old who is authorized to reside in the unit of another pursuant to clause
2622 (i), (ii) or (iii).

2623 SECTION 71. Section 5 of said chapter 121B, as so appearing, is hereby amended by striking
2624 out the third paragraph and inserting in place thereof the following 3 paragraphs:-

2625 In a town, 4 members of a redevelopment authority that is not a housing authority shall be
2626 elected by the town; provided, however, that of the members originally elected at an annual town
2627 meeting, the candidate who received the highest number of votes shall serve for 5 years, the
2628 candidate who received the next highest number of votes shall serve for 4 years, the candidate
2629 who received the next highest number of votes shall serve for 2 years and the candidate who
2630 received the next highest number of votes shall serve for 1 year. Notwithstanding the preceding
2631 sentence, upon the initial organization of a redevelopment authority that is not a housing
2632 authority, if a town so votes at an annual or special town meeting called for the purpose of
2633 organizing a redevelopment authority that is not a housing authority, 4 members of the
2634 redevelopment authority shall be appointed immediately by the board of selectmen to serve only
2635 until the qualification of their successors; provided, however, that the successors shall be elected
2636 at the next annual town meeting as provided in this paragraph.

2637 Notwithstanding section 20 of chapter 43B or any other general or special law to the contrary, in
2638 a town, 1 member of a housing authority shall be a tenant member appointed by the board of
2639 selectmen and 3 members shall be elected by the town; provided, however, that of the members
2640 originally elected at an annual town meeting, the candidate who received the highest number of
2641 votes shall serve for 5 years, the candidate who received the next highest number of votes shall
2642 serve for 4 years and the candidate who received the next highest number of votes shall serve for
2643 2 years. Notwithstanding the preceding sentence, upon the initial organization of a housing
2644 authority, if a town so votes at an annual or special town meeting called for the purpose of
2645 organizing a housing authority, 3 members of the authority shall be appointed immediately by
2646 the board of selectmen to serve only until the qualification of their successors; provided,
2647 however, that the successors shall be elected at the next annual town meeting as provided in this
2648 paragraph.

2649 A tenant, where applicable, shall be appointed by the town from a list of names submitted by a
2650 duly recognized tenants' organization in the town. A tenants' organization may submit a list to
2651 the board of selectmen that shall contain not less than 2 and not more than 5 names and the board
2652 shall make the appointment from among the names so submitted; provided, however, that if there
2653 is no such tenants' organization, the housing authority shall immediately post notices throughout
2654 the common areas of the authority and provide each household with notice of the opportunity to
2655 be appointed to the housing authority board and, if any person wishes to be considered for such
2656 appointment, that person shall submit their name within 30 days thereafter to the town clerk;
2657 provided further, that the notice shall include contact information for the town clerk and for any
2658 independent technical training programs available pursuant to section 5B. The board of
2659 selectmen shall appoint a tenant member from the list; provided, however, that where federal law
2660 requires the town to maintain a member who is a federally-subsidized tenant, a federally-
2661 subsidized tenant shall be given preference for the appointment. If there are no public housing
2662 units owned and operated by the local housing authority and if there are no such units owned and
2663 operated on behalf of the local housing authority, the board of selectmen shall appoint a person

2664 meeting the eligibility requirements for a tenant member. If a list of names is not submitted
2665 within 60 days after a vacancy occurs, the board of selectmen shall appoint a tenant member of
2666 its own choosing to the authority. The town shall provide any written notice to tenants'
2667 organizations as required by this section not less than 90 days before the expiration of the term of
2668 a tenant member. If a vacancy occurs in the term of a tenant member for any reason other than
2669 the expiration of a term, the town shall provide written notice to the tenants' organizations within
2670 10 business days after the vacancy occurs. The board of selectmen shall make the appointment of
2671 the successor tenant member within a reasonable time after the expiration of 60 days following
2672 the provision of notice as provided in this section.

2673 SECTION 72. Said chapter 121B is hereby further amended by striking out section 5A, as so
2674 appearing, and inserting in place thereof the following section:-

2675 Section 5A. A housing authority may request a waiver of the requirement to appoint a tenant
2676 member to a housing authority board if the department determines that a housing authority
2677 provided notice pursuant to section 5 and there is no person who is eligible and willing to serve
2678 as a tenant member on the board. The waiver shall be for a term of 1 year and may be renewed
2679 by the department. A housing authority shall submit a written statement to the department,
2680 explaining why a waiver is being requested and documenting the steps that it took to educate
2681 tenants about the right of a tenant to serve on a housing authority board; provided, however, that
2682 such steps shall include the housing authority meeting with all local tenants' organizations.
2683 Before issuing a waiver, the department shall, in addition to reviewing the written statement,
2684 make a determination that the housing authority provided notice pursuant to said section 5.

2685 If the department grants a waiver, it shall notify the housing authority and the town that a person
2686 other than a person who is eligible to be a tenant member may be appointed to the tenant member
2687 seat on the board for a 1-year term. The housing authority shall notify any tenants' organizations
2688 of the waiver and post a notice of the waiver throughout common areas of the authority.

2689 SECTION 73. Section 7A of chapter 128 of the General Laws, as so appearing, is hereby
2690 amended by inserting after the definition of "Garden" the following 3 definitions:-

2691 "Greenhouse gas benefits", greenhouse gas emissions source reduction or carbon sequestration.

2692 "Healthy soils", soils that enhance their continuing capacity to function as a biological system,
2693 increase soil organic matter, improve soil structure and water and nutrient-holding capacity and
2694 result in net long-term greenhouse gas benefits.

2695 "Healthy soils practices", practices that: (i) improve measurable soil health on lands utilized for
2696 commercial farming, suburban and urban lawns, yards and gardens, public and private forests,
2697 parks and other open spaces and non-paved outdoor areas of office complexes, mixed-use
2698 facilities, businesses, industries and colleges and other institutions; (ii) provide 1 or more of the

2699 following benefits: (A) improve food production; (B) encourage the health, growth and
2700 biological diversity of plants and forests; (C) increase water infiltration reducing storm water
2701 run-off; (D) provide drought and crop resilience; (E) enhance water quality; and (F) reduce the
2702 use of fertilizers and herbicides; and (iii) provide greenhouse gas benefits.

2703 SECTION 74. The second paragraph of section 13 of chapter 136 of the General Laws, as so
2704 appearing, is hereby amended by striking out the first sentence and inserting in place thereof the
2705 following sentence:- Any retail establishment that operates on January first, November eleventh
2706 or the second Monday in October, under the exemption granted by this section, shall compensate
2707 employees working on any of said days at a rate specified under clause (50) of section 6 or such
2708 larger sum as may be determined by contract; provided, however, that such work shall be
2709 voluntary and refusal to work for any retail establishment on such legal holidays shall not be
2710 grounds for discrimination, dismissal, discharge, reduction in hours or any other penalty.

2711 SECTION 75. Said second paragraph of said section 13 of said chapter 136, as so appearing, is
2712 hereby further amended by striking out the first sentence and inserting in place thereof the
2713 following sentence:- Any retail establishment that operates on January first, November eleventh
2714 or the second Monday in October, under the exemption granted by this section, shall not require
2715 any employee to perform such work and an employee's refusal to work for any retail
2716 establishment on such legal holidays shall not be grounds for discrimination, dismissal,
2717 discharge, reduction in hours or any other penalty.

2718 SECTION 76. Section 24L of chapter 149 of the General Laws, as appearing in the 2018 Official
2719 Edition, is hereby amended by striking out, in lines 82 and 83, the words:- , as that term is
2720 defined in section 1 of chapter 93L.

2721 SECTION 77. Section 152A of said chapter 149 is hereby amended by striking out the definition
2722 of "Wait staff employee", as so appearing, and inserting in place thereof the following
2723 definition:-

2724 "Wait staff employee", a person, including a waiter, waitress, bus person, person in a quick
2725 service restaurant who prepares or serves food or beverages as part of a team of counter staff or
2726 any other counter employee who: (i) serves beverages or prepared food directly to patrons or
2727 who clears patrons' tables; (ii) works in a restaurant, banquet facility or other place where
2728 prepared food or beverages are served; and (iii) has no managerial responsibility during a day in
2729 which the person serves beverages or prepared food or clears patrons' tables.

2730 SECTION 78. Chapter 175 of the General Laws is hereby amended by inserting after section 4F
2731 the following section:-

2732 Section 4G. (a) An insurer that utilizes an applicant's Massachusetts driving history as a rating or
2733 underwriting factor for private passenger motor vehicle insurance in the commonwealth, a

2734 licensed insurance producer or third-party representative shall verify the applicant's
2735 Massachusetts driving history through the use of the registry of motor vehicles database or a
2736 reliable third-party database prior to processing payment or issuing a policy, unless the driving
2737 history is unavailable at the time of the initial inquiry due to a temporary website outage, service
2738 interruption or other circumstances beyond the control of the insurer, producer or third-party
2739 representative. When providing a private passenger automobile insurance quote, an insurer,
2740 licensed insurance producer or third-party representative shall provide a disclosure regarding the
2741 verification of an applicant's Massachusetts driving history.

2742 SECTION 79. Subsection (a) of section 168 of said chapter 175, as so appearing, is hereby
2743 amended by adding the following definitions:-

2744 "Personal vehicle sharing", the authorized use of a vehicle by an individual other than the
2745 vehicle's owner through a personal vehicle sharing program.

2746 "Personal vehicle sharing program", a business platform that connects vehicle owners with
2747 drivers to enable the sharing of vehicles for financial consideration.

2748 SECTION 80. Said section 168 of said chapter 175, as so appearing, is hereby further amended
2749 by striking out, in lines 18 to 27, inclusive the words "(b) The commissioner may, upon the
2750 payment of the fee prescribed by section 14, issue to any suitable person aged 18 or older, a
2751 license to act as a special insurance broker to negotiate, continue or renew contracts of insurance
2752 against any of the hazards specified in section 47, except as specified in clause Fifteenth thereof,
2753 and except accident and health, workers' compensation, compulsory motor vehicle liability, with
2754 the exception of motor vehicle policies for transportation network vehicles, and life insurance on
2755 property or interests in the commonwealth with an unauthorized company upon the following
2756 conditions:" and inserting in place thereof the following words:- (b) The commissioner may,
2757 upon the payment of the fee prescribed by section 14, issue to any suitable person aged 18 or
2758 older, a license to act as a special insurance broker to negotiate, continue or renew contracts of
2759 insurance against any of the hazards specified in section 47, except as specified in clause
2760 Fifteenth thereof, and except accident and health, workers' compensation, compulsory motor
2761 vehicle liability, with the exception of both motor vehicle policies for transportation network
2762 vehicles and any contracts that directly or indirectly provide insurance or other forms of
2763 protection, including without limitation, collision damage waivers, for vehicles and vehicle
2764 drivers engaged in personal vehicle sharing through a personal vehicle sharing program, and life
2765 insurance on property or interests in the commonwealth with an unauthorized company upon the
2766 following conditions:

2767 SECTION 81. Said section 168 of said chapter 175, as so appearing, is hereby further amended
2768 by striking out subsection (i) and inserting in place thereof the following 2 subsections:-

2769 (i) Nothing in this section shall preclude a personal vehicle sharing program from procuring a
2770 contract of insurance for itself, vehicles, and vehicle drivers engaged in personal vehicle sharing,
2771 if the personal vehicle sharing program or the policyholder expressly acknowledges its
2772 understanding, that: (1) the company from which insurance is procured is not admitted to
2773 transact insurance in the commonwealth; and (2) in the event of the insolvency of the company, a
2774 loss shall not be paid by the Massachusetts Insurers Insolvency Fund under chapter 175D.

2775 (j) The commissioner may promulgate regulations as necessary to implement this section.

2776 SECTION 82. Section 2 of chapter 175M of the General Laws is hereby amended by striking out
2777 subsection (f), as appearing in the 2018 Official Edition, and inserting in place thereof the
2778 following subsection:-

2779 (f) The taking of family or medical leave shall not affect an employee's right to accrue vacation
2780 time, sick leave, bonuses, advancement, seniority, length-of-service credit or other employment
2781 benefits, plans or programs. During the duration of an employee's family or medical leave, the
2782 employer shall provide for, contribute to or otherwise maintain the employee's employment-
2783 related health insurance benefits, if any, at the level and under the conditions coverage would
2784 have been provided if the employee had continued working continuously for the duration of such
2785 leave.

2786 SECTION 83. Chapter 184 of the General Laws is hereby amended by adding the following
2787 section:-

2788 Section 36. (a) For the purposes of this section, the following words shall, unless the context
2789 clearly requires otherwise, have the following meanings:-

2790 "Affiliate", an entity owned or controlled by an owner or under common control with the owner.

2791 "Auction" or "public auction", the sale of a housing accommodation under power of sale in a
2792 mortgage loan by public bidding.

2793 "Borrower", a mortgagor of a mortgage loan.

2794 "Deed in lieu," a deed for the collateral property or the housing accommodation that the
2795 mortgagee accepts from the borrower in exchange for the release of the borrower's obligation
2796 under the mortgage loan.

2797 "Designee", a nonprofit organization, established pursuant to chapter 180, which is selected by
2798 members of a tenant association.

2799 "Department", the department of housing and community development.

2800 "Elderly tenant household", a tenant household in which 1 or more of the residents are age 65 or
2801 older.

2802 "Foreclosure," a legal proceeding to terminate a borrower's interest in property instituted by the
2803 mortgagee and regulated under chapter 244.

2804 "Housing accommodation," a building, structure or part thereof, rented or offered for rent for
2805 living or dwelling purposes, including, without limitation, houses, apartments, condominium
2806 units, cooperative units and other multi-family residential dwellings; provided, however, that a
2807 housing accommodation shall not include a group residence, homeless shelter, lodging house,
2808 orphanage, temporary dwelling structure or transitional housing; and provided, further that a
2809 housing accommodation shall not include a borrower-occupied housing accommodation if the
2810 borrower is domiciled in the housing accommodation at the initiation of the short-sale, deed in
2811 lieu or foreclosure process.

2812 "Member", a natural person who is a member of a tenant association.

2813 "Minimum tenant participation percentage", the minimum percentage of tenants who must
2814 participate as members of the tenant association as defined by the city or town in a municipal
2815 ordinance; provided, that the minimum tenant participation percentage shall be not less than 51
2816 per cent of the tenant-occupied housing units. The percentage shall be calculated based on the
2817 number of tenant-occupied housing units in a property. If more than 1 person is a lessee in a unit,
2818 all of the tenants who are lessees for that unit shall participate as members of the tenant
2819 association if the unit is counted towards the participating percentage of units.

2820 "Mortgage loan," a loan secured wholly or partially by a mortgage on a housing accommodation.

2821 "Mortgagee," an entity to whom property is mortgaged, the mortgage creditor or lender
2822 including, but not limited to, mortgage servicers, lenders in a mortgage agreement and any agent,
2823 servant or employee of the mortgagee or any successor in interest or assignee of the mortgagee's
2824 rights, interests or obligations under the mortgage agreement.

2825 "Owner", a person, firm, partnership, corporation, trust, organization, limited liability company
2826 or other entity, or its successors or assigns that holds title to real property.

2827 "Purchaser", a party who has entered into a purchase contract with an owner and who will, upon
2828 performance of the purchase contract, become the new owner of the property.

2829 "Purchase contract", a binding written agreement whereby an owner agrees to sell property
2830 including, without limitation, a purchase and sale agreement, contract of sale, purchase option or
2831 other similar instrument.

2832 "Sale", an act by which an owner conveys, transfers or disposes of property by deed or
 2833 otherwise, whether through a single transaction or a series of transactions; provided, that a
 2834 disposition of housing by an owner to an affiliate of such owner shall not constitute a sale.

2835 "Short-sale," sale approved by the mortgagee to a bona fide purchaser at a price that is less than
 2836 borrower's existing debt on the housing accommodation.

2837 "Successor", the entity through which the tenant association will take title to the property, which
 2838 may be a corporation, with the sole stockholder being the tenant association; a housing
 2839 cooperative organized under chapter 157B, a limited liability company in which the tenant
 2840 association is the member; a limited partnership in which the tenant association is a general
 2841 partner or when permitted by the municipality's ordinance, a joint venture between any of such
 2842 entities and another party with: (i) the requisite experience in acquiring, developing and owning
 2843 residential property and (ii) the financial capacity to guaranty financing of the purchase
 2844 transaction.

2845 "Tenant", a natural person who has: (i) entered into an express written lease or rental agreement
 2846 with the owner for exclusive possession of the premises for at least 6 months or (ii) paid rent to
 2847 the owner and the owner has accepted said rent for at least 6 months.

2848 "Tenant association", an organization with a membership limited to present tenants of a property
 2849 that is: (i) registered with the municipality that has adopted an ordinance consistent with this
 2850 section or (ii) a non-profit organization incorporated under chapter 180.

2851 "Third-party offer", an offer to purchase the mortgaged property for valuable consideration by an
 2852 arm's length purchaser; provided, that a third-party offer shall not include an offer by the
 2853 borrower or tenants.

2854 "Third-party purchaser", a purchaser who is not a tenant association, a designee or an affiliate.

2855 (b) A city or town may adopt this section in the manner provided in section 4 of chapter 4. The
 2856 acceptance of this local option by a municipality shall take effect no later than 180 days after
 2857 such acceptance. A city or town may at any time revoke the acceptance of this section in the
 2858 manner provided in said section 4 of said chapter 4. The revocation shall not affect agreements
 2859 relative to a tenants' right to purchase that have already been asserted prior to the revocation. In
 2860 addition, the ordinance or bylaw accepting this section may contain provisions that establish:

2861 (i) tenancy protections for non-elderly tenant households that do not participate in the tenant
 2862 association; and

2863 (ii) exclusion of applicability to properties with fewer than a designated number of units;
 2864 different exclusion numbers may be adopted for owner-occupied properties and properties with
 2865 no owner occupancy; and

2866 (iii) criteria for qualified designee; and

2867 (iv) the tenant association's ability to exercise rights hereunder through a joint venture or
2868 partnership with another entity with requisite experience in developing, owning or operating
2869 residential real estate or an entity that has the financial capacity to guaranty the financing of the
2870 purchase transaction; and

2871 (v) exclusion of classes of properties not enumerated in subsection (k).

2872 (c) In any city or town that votes to adopt the provisions of this section, an owner of a residential
2873 building shall:

2874 (i) notify the municipality and each tenant household, in writing by hand delivery and United
2875 States' mail, of the owner's intention to sell the property, with copy of the municipality's prepared
2876 summary of the ordinance adopted hereunder; and

2877 (2) provide a tenant association with the minimum tenant participation percentage, an
2878 opportunity to make an offer to purchase the property prior to entering into an agreement to sell
2879 such property pursuant to the time periods contained in this section, but no owner shall be under
2880 any obligation to enter into an agreement to sell such property to the tenants.

2881 (d) a tenant association with the minimum tenant participation percentage may select a successor
2882 entity or a designee to act on its behalf as purchaser of the property and shall give the owner and
2883 the municipality notice of its selection.

2884 (e) A tenant association with the minimum tenant participation percentage, or its successor or
2885 designee, may, within 15 days after receipt of the owner's intention to sell, submit an offer to the
2886 owner to purchase the property. Failure to submit a timely offer shall constitute an irrevocable
2887 waiver of the tenants' rights under subsection (e) and the owner may enter into a contract sell the
2888 property to a third party, subject to subsections (f) to (i), inclusive. If the owner and the tenant
2889 association, or its successor, or its designee, have not entered into an agreement within 15 days
2890 after receipt of the notice of the owner's intent to sell, the owner may enter into an agreement to
2891 sell the property to a third party, subject to subsections (f) to (i), inclusive.

2892 (f) Upon execution of any purchase contract with a third party, the owner shall, within 7 days,
2893 submit a copy of the contract along with a proposed purchase contract for execution by tenant
2894 association or its successor, or designee. If the tenant association, or its successor or, its
2895 designee, elect to purchase the property, the tenant association, or its successor, or its designee,
2896 shall within 30 days after the receipt of the third party purchase contract and the proposed
2897 purchase contract, execute the proposed purchase contract or such other agreement as is
2898 acceptable to both parties. The time periods set forth in this subsection may be extended by
2899 agreement between the owner and the tenant association, its successor or its designee. Except as

2900 otherwise specified in subsection (h), the terms and conditions of the proposed purchase contract
2901 offered to the tenant association, successor, or its designee, shall be the same as those of the
2902 executed third party purchase contract.

2903 (g) After receipt of the third party purchase contract provided for in subsection (f), the tenant
2904 association or its successor or designee may, within the 15 day time period prescribed in said
2905 subsection (f), make a counteroffer by executing and submitting to the owner an amended
2906 proposed purchase contract. Failure by the tenant association, successor or its designee, to
2907 execute the purchase contract or submit a counteroffer within the 15 day period referenced in
2908 subsection (f) shall constitute a waiver of the tenants' right to purchase under these subsections.
2909 If the tenant association, successor or its designee, submits a counteroffer, the owner shall have
2910 15 days from the date it receives the amended proposed purchase contract to execute the
2911 amended proposed purchase contract or reject, in writing, the counteroffer. However, if the
2912 owner rejects a counteroffer, it may not subsequently enter into any purchase contract with a
2913 third party on terms that are the same as, or materially more favorable to the proposed third party
2914 purchaser, than the economic terms and conditions in the counteroffer proposed by the tenant
2915 association, successor, or its designee, unless the owner first provides a copy of such new third
2916 party purchase contract, along with a new proposed purchase contract for execution by the tenant
2917 association, successor, or its designee, which shall contain the same terms and conditions as the
2918 newly executed third party purchase contract, except as otherwise specified by subsection (h),
2919 and the tenant association, successor, or its designee, shall have 30 days from the date they
2920 receive the third party purchase contract and the proposed purchase contract to execute the
2921 proposed purchase contract or such other agreement as is acceptable to the owner and the tenant
2922 association, successor, or its designee.

2923 (h) Any purchase contract offered to, or proposed by, the tenant association, its successor or its
2924 designee shall provide at least the following terms:

2925 (i) the earnest money deposit shall not exceed the lesser of:

2926 (1) the deposit in the third party purchase contract;

2927 (2) 5 per cent of the sale price; or

2928 (3) \$250,000; provided, however, that the owner and the tenant association, or its successor, or
2929 its designee, may agree to modify the terms of the earnest money deposit; provided, further, that
2930 the earnest money deposit shall be held under commercially-reasonable terms by an escrow
2931 agent selected jointly by the owner and the tenant association, its successor or its designee;

2932 (ii) the earnest money deposit shall be refundable for not less than 90 days from the date of
2933 execution of the purchase contract or such greater period as provided for in the third party
2934 purchase contract; provided, however, that if the owner unreasonably delays the buyer's ability to

2935 conduct due diligence during the 90 day period, the earnest money deposit shall continue to be
2936 refundable for a period greater than 90 days. After the expiration of the specified time period, the
2937 earnest money deposit shall be forfeited and the right to purchase of the tenant association, its
2938 successor or designee shall be irrevocably waived.

2939 (i) The tenant association or its successor, or designee, shall have 160 days from execution of the
2940 purchase and sale agreement to perform all due diligence, secure financing for and close on the
2941 purchase of the building. Failure to exercise the purchase option within 160 days shall constitute
2942 a waiver of the purchase option by the tenant association, its successor or, or its designee.

2943 (j) Any notice required by this section shall be deemed to have been provided when delivered in
2944 person or mailed by certified or registered mail, return receipt requested, to the party to whom
2945 notice is required. Notice shall be deemed to have been provided when either: (i) the notice is
2946 delivered in hand to the tenant or an adult member of the tenant's household; or (ii) the notice is
2947 sent by first class mail and a copy is left in or under the door of the tenant's dwelling unit. A
2948 notice to the affected municipality shall be sent to the chief executive officer.

2949 (k) This section shall not apply to the following:

2950 (i) property that is the subject of a government taking by eminent domain or a negotiated
2951 purchase in lieu of eminent domain;

2952 (ii) a proposed sale to a purchaser pursuant to terms and conditions that preserve affordability, as
2953 determined by the department;

2954 (iii) any sale of publicly-assisted housing, as defined in section 1 of chapter 40T;

2955 (iv) rental units in any hospital, skilled nursing facility, or health facility;

2956 (v) rental units in a nonprofit facility that has the primary purpose of providing short term
2957 treatment, assistance or therapy for alcohol, drug or other substance abuse; provided, that such
2958 housing is incident to the recovery program, and where the client has been informed in writing of
2959 the temporary or transitional nature of the housing;

2960 (vi) rental units in a nonprofit facility that provides a structured living environment that has the
2961 primary purpose of helping homeless persons obtain the skills necessary for independent living
2962 in a permanent housing and where occupancy is restricted to a limited and specific period of time
2963 of not more than 24 months and where the client has been informed in writing of the temporary
2964 or transitional nature of the housing at its inception;

2965 (vii) public housing units managed by the local housing authority;

2966 (viii) federal public housing units that are subsidized and regulated under federal laws, to the
 2967 extent such applicable federal laws expressly preempt the provisions of this section;

2968 (ix) any residential property where the owner is a natural person who owns 6 or fewer residential
 2969 rental units in the municipality and who resides in the commonwealth;

2970 (x) any unit that is held in trust on behalf of a disabled individual who permanently occupies the
 2971 unit, or a unit that is permanently occupied by a disabled parent, sibling, child or grandparent of
 2972 the owner of that unit; or

2973 (xi) any rental unit that is owned or managed by a college or university for the express purpose
 2974 of housing students.

2975 (l) The tenant association, successor or its designee shall ensure that their purchase of the
 2976 property will not result in the displacement of any elderly tenant households that choose not to
 2977 participate in the purchase of the property.

2978 (m)(1) An owner shall give notice to each tenant household of a housing accommodation of the
 2979 intention to sell the housing accommodation by way of short-sale to avoid foreclosure. Such
 2980 notice shall be mailed by regular and certified mail, with a simultaneous copy to the attorney
 2981 general, the director of housing and community development and to the municipality adopting
 2982 this section within 2 business days of the owner's submission of a request or application to the
 2983 mortgagee for permission to sell the housing accommodation by way of short-sale or to accept a
 2984 deed in lieu. This notice shall also include a notice of the rights provided by this section.

2985 (2) No mortgagee may accept any third party offers or deem the owner's application for short-
 2986 sale submitted for review unless and until the mortgagee receives documentation in a form
 2987 approved by the attorney general demonstrating that the tenants of the housing accommodation
 2988 have been informed of the owner's intent to seek a short-sale or deed in lieu and the tenants have
 2989 expressed their interest in exercising a right of first refusal within 60 days, assigning that right of
 2990 first refusal, or the tenants have waived those rights. If tenants have not affirmatively expressed
 2991 their interest in exercising a right of first refusal or in assigning that right within 60 days, or have
 2992 not affirmatively waived that right within 60 days, the tenants' rights are deemed waived.

2993 (3) Before a housing accommodation may be transferred by short-sale or deed-in-lieu, the owner
 2994 shall notify each tenant household, with a simultaneous copy to the attorney general and the
 2995 director of housing and community development, and the municipality adopting this section, by
 2996 regular and certified mail, of any bona fide offer that the mortgagee intends to accept. Before any
 2997 short-sale or transfer by deed-in-lieu, the owner shall give each tenant household such a notice of
 2998 the offer only if households constituting at least 51 per cent of the households occupying the
 2999 housing accommodation notify the owner, in writing, that they collectively desire to receive
 3000 information relating to the proposed sale. Tenants may indicate this desire within the same notice

3001 described in paragraph (2). Any notice of the offer required to be given under this subsection
3002 shall include the price, calculated as a single lump sum amount and of any promissory notes
3003 offered in lieu of cash payment.

3004 (4) A group of tenants representing at least 51 per cent of the households occupying the housing
3005 accommodation that are entitled to notice under paragraph (3) shall have the collective right to
3006 purchase, in the case of a third party offer that the mortgagee intends to accept, provided that the
3007 group of tenants:

3008 (i) submits to the owner reasonable evidence that the tenants of at least 51 per cent of the
3009 occupied units in the housing accommodation have approved the purchase of the housing
3010 accommodation;

3011 (ii) submits to the owner a proposed purchase and sale agreement on substantially equivalent
3012 terms and conditions within 60 days of receipt of notice of the offer made under paragraph (3);

3013 (iii) obtains a binding commitment for any necessary financing or guarantees within an
3014 additional 90 days after execution of the purchase and sale agreement; and

3015 (iv) closes on such purchase within an additional 90 days after the end of the 90-day period
3016 described in clause (iii).

3017 No owner shall unreasonably refuse to enter into, or unreasonably delay the execution or closing
3018 on a purchase and sale with tenants who have made a bona fide offer to meet the price and
3019 substantially equivalent terms and conditions of an offer for which notice is required to be given
3020 pursuant to paragraph (3). Failure of the tenants to submit such a purchase and sale agreement
3021 within the first 60-day period, to obtain a binding commitment for financing within the
3022 additional 90-day period or to close on the purchase within the second 90-day period, shall serve
3023 to terminate the rights of such tenants to purchase. The time periods provided in this paragraph
3024 may be extended by agreement. Nothing herein shall be construed to require an owner to provide
3025 financing to such tenants. A group or association of tenants that has the right to purchase
3026 pursuant to this subsection, at its election, may assign its purchase right pursuant to this
3027 subsection to the city or town in which the housing accommodation is located, or the housing
3028 authority of the city or town in which the housing accommodation is located, or an agency of the
3029 commonwealth, nonprofit, community development corporation, affordable housing developer,
3030 or land trust, for the purpose of permanently continuing the use of the housing accommodation as
3031 affordable rental housing.

3032 (5) The right of first refusal created in this subsection shall inure to the tenants for the time
3033 periods provided in paragraph (4), beginning on the date of notice to the tenants under paragraph
3034 (1). The effective period for such right of first refusal shall begin anew for each different offer to
3035 purchase that the mortgagee intends to accept. The right of first refusal shall not apply with

3036 respect to any offer received by the owner for which a notice is not required pursuant to
3037 paragraph (3).

3038 (6) In any instance where the tenants are not the successful purchaser of the housing
3039 accommodation, the mortgagee shall provide evidence of compliance with this section by filing
3040 an affidavit of compliance with the attorney general, the director of housing and community
3041 development and the registry of deeds for the county and district where the property is located
3042 within 7 days of the sale.

3043 (7) It is illegal for the owner to evict a tenant or tenants in order to avoid application of this
3044 subsection.

3045 (8) Aggrieved tenants may seek damages under chapter 93A and may file a complaint with the
3046 attorney general. Tenants may seek damages including compensatory relief in the form of a
3047 percentage of the sales price, injunctive relief in the form of specific performance to compel
3048 transfer of the property or both compensatory and injunctive relief. Nothing in this subsection
3049 shall be construed to limit or constrain the rights tenants currently have under applicable laws,
3050 including but not limited to chapters 186 and 186A. At all times, all parties shall negotiate in
3051 good faith.

3052 (9) The attorney general shall enforce this section and shall promulgate rules and regulations
3053 necessary for enforcement. The attorney general may seek injunctive, declaratory, and
3054 compensatory relief on behalf of tenants and the commonwealth in a court of competent
3055 jurisdiction. The attorney general shall post a sample intent to sell notice, sample proof of notice
3056 to tenants, sample notice of offer, and other necessary documents.

3057 (n)(1) When a mortgagee seeks judicial determination of the right to foreclose, then the
3058 mortgagee shall provide a copy of the complaint by regular and certified mail to the tenants of
3059 the housing accommodation and to the municipality adopting this section. The mortgagee shall
3060 also provide tenants and the municipality, by regular and certified mail, with a copy of any order
3061 of notice issued by the land court, if applicable, within 5 days of issuance.

3062 (2) The mortgagee shall provide each tenant household and the municipality adopting this
3063 section, by regular and certified mail, a copy of any and all notices of sale published pursuant to
3064 section 14 of chapter 244. A copy shall be provided simultaneously with the successive
3065 publication notices.

3066 (3) No later than 5 business days before the auction of a housing accommodation, the tenants
3067 shall inform the mortgagee, in writing, if a group of tenants representing at least 51 per cent of
3068 the households occupying the housing accommodation or an entity to which they have assigned
3069 their right of first refusal intend to exercise their right of first refusal at auction and desire to
3070 receive information relating to the proposed auction.

3071 (4) A group of tenants representing at least 51 per cent of the households occupying the housing
3072 accommodation or an entity to which they have assigned their right of first refusal may exercise
3073 their collective right to purchase the housing accommodation, in the event of a third party offer
3074 at auction that the mortgagee receives, provided that the group of tenants:

3075 (i) submits to the mortgagee reasonable evidence that the tenants of at least 51 per cent of the
3076 occupied homes in the housing accommodation have approved the purchase of the housing
3077 accommodation;

3078 (ii) submits to the mortgagee a proposed purchase and sale agreement on substantially equivalent
3079 terms and conditions to that received by the mortgagee in the third party offer within 60 days of
3080 receipt of notice of the bid made under paragraph (3) of this subsection;

3081 (iii) obtains a binding commitment for any necessary financing or guarantees within an
3082 additional 90 days after execution of the purchase and sale agreement; and

3083 (iv) closes on such purchase within an additional 90 days after the end of the 90-day period
3084 under clause (iii).

3085 No mortgagee shall unreasonably refuse to enter into, or unreasonably delay the execution or
3086 closing on a purchase and sale with tenants who have made a bona fide offer to meet the price
3087 and substantially equivalent terms and conditions of a bid received at auction. Failure of the
3088 tenants to submit such a purchase and sale agreement within the first 60-day period, to obtain a
3089 binding commitment for financing within the additional 90-day period or to close on the
3090 purchase within the second 90-day period, shall serve to terminate the rights of such tenants to
3091 purchase. The time periods provided in this paragraph may be extended by agreement.

3092 Nothing herein shall be construed to require a mortgagee to provide financing to such tenants. A
3093 group or association of tenants that has the right to purchase hereunder, at its election, may
3094 assign its purchase right hereunder to the city, town, housing authority, or agency of the
3095 commonwealth, nonprofit, community development corporation, affordable housing developer,
3096 or land trust for the purpose of permanently continuing the use of the housing accommodation as
3097 affordable rental housing.

3098 If there are no third party bids at auction for the housing accommodation, the tenants shall have a
3099 right of first refusal whenever the mortgagee seeks to sell the housing accommodation. The
3100 tenants shall be notified of any offers the mortgagee intends to accept and shall be given an
3101 opportunity to meet the price and substantially the terms of a third-party offer based on the same
3102 time line described in paragraph (4).

3103 (5) The right of first refusal created herein shall inure to the tenants for the time periods herein
3104 before provided, beginning on the date of notice to the tenants under paragraph (1).

3105 (6) In any instance where the tenants are not the successful purchaser of the housing
3106 accommodation, the seller of such unit shall provide evidence of compliance with this section by
3107 filing an affidavit of compliance with the attorney general, the director of housing and
3108 community development, and the registry of deeds for the county and district where the property
3109 is located within seven days of the sale.

3110 (7) It is illegal for the owner to evict a tenant or tenants in order to avoid application of this law.

3111 (8) Aggrieved tenants may seek damages under chapter 93A and may file a complaint with the
3112 attorney general. Tenants may seek damages including a percentage of the sales price or
3113 injunctive relief in the form of specific performance to compel transfer of property. Nothing in
3114 this act shall be construed to limit or constrain in any way the rights tenants currently have under
3115 applicable laws, including but not limited to chapters 186 and 186A. At all times, all parties must
3116 negotiate in good faith.

3117 (9) The attorney general shall enforce this section and shall promulgate rules and regulations
3118 necessary for enforcement. The attorney general may seek injunctive, declaratory, and
3119 compensatory relief on behalf of tenants and the commonwealth in a court of competent
3120 jurisdiction. The attorney general shall post a sample intent to sell notice, sample proof of notice
3121 to tenants, sample notice of offer, and other necessary documents.

3122 SECTION 84. Section 2 of chapter 239 of the General Laws, as so appearing, is hereby amended
3123 by adding the following paragraph:- The defendant named in a summary process summons and
3124 complaint shall not include any minors, and any such minors' names so included shall be
3125 expunged from any court record and electronic docket entry.

3126 SECTION 85. Said chapter 239 is hereby amended by adding the following section:-

3127 Section 15. (a) As used in this section, the following terms shall have the following meanings
3128 unless the context clearly requires otherwise:-

3129 "Consumer report", a written, oral or other communication of any information by a consumer
3130 reporting agency bearing on a person's credit worthiness, credit standing or credit capacity that is
3131 used or expected to be used or collected, in whole or in part, for the purpose of serving as a
3132 factor in establishing the person's eligibility for rental housing or other purposes authorized
3133 under section 51 of chapter 93.

3134 "Consumer reporting agency", an individual, partnership, corporation, trust, estate, cooperative,
3135 association, government or governmental subdivision or agency or other entity that, for monetary
3136 fees, dues or on a cooperative nonprofit basis, regularly engages, in whole or in part, in the
3137 practice of assembling or evaluating consumer credit information or other information on
3138 consumers for the purpose of furnishing consumer reports to third parties.

3139 "Court", the trial court of the commonwealth established pursuant to section 1 of chapter 211B
3140 and any departments or offices established within the trial court.

3141 "Court record", paper or electronic records or data in any communicable form compiled by, on
3142 file with or in the care custody or control of the court that concern a person and relate to the
3143 nature or disposition of an eviction action or a lessor action.

3144 "Eviction action", (i) a summary process action under this chapter to recover possession of
3145 residential premises; (ii) a civil action under section 19 of chapter 139 to obtain an order
3146 requiring a tenant or occupant to vacate residential premises; (iii) a civil action brought pursuant
3147 to sections 11, 12 or 13 of chapter 186 or subsection (a) of section 4 of chapter 186A; or (iv) any
3148 other civil action brought against a tenant or occupant of residential premises to obtain
3149 possession of or exclusive access to the residential premises.

3150 "Lessor action", any civil action brought against the owner, manager or lessor of residential
3151 premises by the tenant or occupant of such premises relating to or arising out of such property,
3152 rental, tenancy or occupancy for breach of warranty, breach of any material provision of the
3153 rental agreement or violation of any other law.

3154 "No-fault eviction", any eviction action in which the notice to quit, notice of termination or
3155 complaint does not include an allegation of nonpayment of rent or of a violation of any material
3156 term of the tenancy by the tenant or occupant; provided, however, that a "no-fault eviction" shall
3157 include an action brought after termination of a tenancy for economic, business or other reasons
3158 not constituting a violation of the terms of the tenancy.

3159 (b) Any person having a court record of a no-fault eviction on file in a court may petition the
3160 court to seal the court record at any time after the conclusion of the action, including the
3161 exhaustion of all rights of appeal. The petition shall be on a form furnished by the trial court of
3162 the commonwealth, signed under the penalties of perjury and filed in the same court as the action
3163 sought to be sealed. If an action was active in more than 1 court during its pendency, then a
3164 petition may be filed in each such court. Notice need not be given to parties to the original
3165 action. The court may, in its discretion, process such petitions administratively without a hearing.

3166 (c) Upon motion and for good cause shown or as otherwise authorized by this section, court
3167 records sealed under this section may, at the discretion of the court and upon a balancing of the
3168 interests of the litigants and the public in nondisclosure of the information with the interests of
3169 the requesting party, be made available for scholarly, educational, journalistic or governmental
3170 purposes only; provided, however, that identifying information of parties shall remain sealed
3171 unless the court determines that release of such information is appropriate under this subsection
3172 and necessary to fulfill the purpose of the request. Nothing in this subsection shall be deemed to
3173 permit the release of personal identifying information for commercial purposes.

3174 (d) Nothing in this section shall prohibit the dissemination of information regarding a money
3175 judgment as necessary for the sole purpose of collection.

3176 (e) A consumer reporting agency shall not disclose the existence of or information regarding a
3177 court record of a no-fault eviction action sealed under this section or use information contained
3178 in a sealed court record as a factor to determine any score or recommendation to be included in a
3179 consumer report unless the court record was available for inspection with the court not more than
3180 30 days of the report date. A consumer reporting agency may include in a consumer report
3181 information found in publicly-available court records; provided, however, that the consumer
3182 report shall include a person's full name, whether an eviction action was a fault eviction, a no-
3183 fault eviction or a lessor action and the outcome of any eviction action if such information is
3184 contained in the publicly-available court record. Information contained in a sealed court record
3185 shall be removed from the consumer report or from the calculation of any score or
3186 recommendation to be included in a consumer report not more than 30 days of the sealing of the
3187 court record from which it is derived. Any credit reporting agency that violates this subsection
3188 shall be liable in tort, in a court of competent jurisdiction, to the person who is the subject of the
3189 consumer report for damages or for \$100 per day of such violation, whichever is greater, and the
3190 costs of the action, including reasonable attorney's fees. Nothing in this subsection shall be
3191 deemed to waive the rights or remedies of any person under any other law or regulation.

3192 (f) An application used to screen applicants for housing or credit that seeks information
3193 concerning prior eviction actions of the applicant shall include the following statement: "An
3194 applicant for housing or credit with a sealed record on file with the court in a no-fault eviction
3195 action may answer 'no record' to an inquiry relative to that sealed court record."

3196 (g) A party who obtains a judgment in an eviction action or a lessor action shall, not more than
3197 14 days after satisfaction of the judgment, file with the court in which the judgment was entered
3198 a notice of satisfaction of the judgment. A party that has satisfied a judgment may, upon
3199 noncompliance with this subsection by the other party, seek equitable relief to correct the court
3200 record and shall be entitled to costs and reasonable attorney's fees. Upon the filing of a notice of
3201 satisfaction of judgment or court judgment deeming the judgment satisfied in an eviction action
3202 or lessor action, a party may petition the court to seal the court record pertaining to that action.
3203 The petition shall be on a form furnished by the trial court of the commonwealth, signed under
3204 the penalties of perjury and filed in the same court as the action sought to be sealed. If an action
3205 was active in more than 1 court during its pendency, a petition may be filed in each such court.
3206 Notice need not be given to parties to the original action. The court shall comply with the
3207 petitioner's request and seal the court record if the judgment has been satisfied and the action has
3208 concluded with all rights of appeal exhausted. The court may process such petitions
3209 administratively without a hearing.

3210 SECTION 86. Section 100 of chapter 142 of the acts of 2011 is hereby repealed.

3211 SECTION 87. Section 276 of chapter 165 of the acts of 2014 is hereby amended by striking out
3212 the words "and 2020", inserted by section 237 of chapter 218 of the acts of 2016, and inserting in
3213 place thereof the following words:-, 2020, 2021, 2022 and 2023.

3214 SECTION 88. Notwithstanding the fourth paragraph of section 5 of chapter 121B of the General
3215 Laws, if a town has 4 elected members of a housing authority board on the effective date of this
3216 act, any vacant seat or, if there is no vacant seat, the first seat set to expire not less than 60 days
3217 after the effective date of this act, shall be filled by the appointment of a tenant member unless a
3218 waiver has been granted by the department pursuant to section 5A of said chapter 121B that
3219 allows for the appointment of a person who is not eligible to be a tenant member.

3220 SECTION 89. Tenants required to be appointed to housing authority boards pursuant to the fifth
3221 paragraph of section 5 of chapter 121B of the General Laws shall be appointed not more than 90
3222 days after the effective date of this act.

3223 SECTION 90. On the effective date of this act, a housing authority may request a waiver of the
3224 requirement to appoint a tenant member to a housing authority board pursuant to section 5 of
3225 chapter 121B of the General Laws if a person who is eligible to be a tenant member is already
3226 serving as either an elected member or a member appointed to fill a vacancy by the board of
3227 selectmen. The waiver shall be valid for 1 year and may be renewed for successive 1-year terms
3228 until the expiration of the current tenant member's term or until that member vacates the position
3229 and, at that time, the board of selectmen shall appoint a tenant member pursuant to said section 5
3230 of said chapter 121B.

3231 SECTION 91. Notwithstanding the number of elected members on the local housing authority
3232 board, any votes taken by a local housing authority and any votes taken by a town with respect to
3233 a local housing authority between August 6, 2014 and the effective date of this act are hereby
3234 ratified, validated and confirmed.

3235 SECTION 92. (a) There shall be a special commission to conduct a comprehensive study relative
3236 to the impact of automation, artificial intelligence, global trade, access to new forms of data and
3237 the internet of things on the workforce, businesses and economy. The main objective of the
3238 commission shall be to ensure sustainable jobs, fair benefits and workplace safety standards for
3239 workers in all industries, including, but not limited to, access to adequate and affordable health
3240 insurance, financial security in retirement, unemployment insurance and disability insurance.
3241 The commission shall consist of: 2 persons appointed by the president of the senate, 1 of whom
3242 shall serve as co-chair; 2 persons appointed by the speaker of the house of representatives, 1 of
3243 whom shall serve as co-chair; 1 person appointed by the minority leader of the senate; 1 person
3244 appointed by the minority leader of the house of representatives; the secretary of labor and
3245 workforce development or a designee; 2 persons appointed by the governor, 1 of whom shall
3246 have expertise in the future of work issues and 1 of whom shall have experience in workforce
3247 training and education; 2 persons appointed by the attorney general, 1 of whom shall have

3248 expertise in fair labor and workers' rights and 1 of whom shall have expertise in future of work
3249 issues; and 6 persons appointed by the co-chairs, 3 of whom shall be members of the labor
3250 community with experience in future of work issues and 3 of whom shall be members of the
3251 business community with experience in future of work issues.

3252 (b) The commission shall study and evaluate the future of work including, but not limited to: (i)
3253 trends and drivers of the transformation of industries and employment and how they will impact
3254 workers; (ii) policies and practices that may assist workers, businesses and communities to thrive
3255 and maintain a robust economy while responding to the rapid transformation of technology,
3256 workplace practices, environmental and security concerns and global interdependence; (iii) the
3257 impact of industry transformation on worker access to affordable and adequate healthcare,
3258 financial security in retirement and adequate unemployment insurance, disability insurance and
3259 other benefits; (iv) best practices on maintaining cohesive and beneficial partnerships between
3260 workers and employers during industry growth and transformation; and (v) any other factors the
3261 commission deems relevant.

3262 (c) The commission, in collaboration with the executive office of labor and workforce
3263 development, shall: (i) develop and maintain an inventory of the current and future trends and
3264 factors that will likely drive the transformation of industries and work over the next 25 years; (ii)
3265 research best practices from state, national and international sources and develop case studies
3266 and examples for the future of work; (iii) gather data and input from employers and workers
3267 from the major industrial sectors in every region of the commonwealth; and (iv) work with
3268 organizations that engage in workforce training to identify best practices and any obstacles that
3269 may exist to adequate workforce training during future industry transformation.

3270 (d) The task force shall meet not less than 4 times in different geographic regions and shall
3271 accept input from the public during not less than 2 public hearings and solicit expert testimony
3272 from individuals identified by the commission. The commission shall convene its first meeting
3273 not later than December 31, 2021.

3274 (e) Not later than September 1, 2021, the commission shall file a report of its analysis,
3275 recommendations and any proposed legislation necessary to effectuate its recommendations to
3276 the clerks of the senate and house of representatives, the joint committee on economic
3277 development and emerging technologies and the joint committee on labor and workforce
3278 development.

3279 The report shall include, but not be limited to, legislative and policy recommendations that: (i)
3280 ensure workers in the future secure access to affordable and adequate healthcare, financial
3281 security in retirement and adequate unemployment insurance, disability insurance and other
3282 benefits; (ii) provide for portable, transferable, cost-efficient and time-efficient credentialing;
3283 (iii) support life-long learning and talent development for workers of all ages; (iv) help workers
3284 maintain relevant skills or learn new skills for the careers and workplaces of the future; (v)

prepare young people to succeed in the careers and workplaces of the future; (vi) ensure employers and workforce training entities are up to date on training needs for workers in current and future industries and careers; and (vii) enable workers, businesses and workforce training entities to simultaneously learn and incorporate new technologies into workforce training.

SECTION 93. (a) There is hereby established a special legislative commission, pursuant to section 2A of chapter 4 of the General Laws, to study journalism in underserved communities in the commonwealth. The commission shall: (i) conduct a comprehensive study relative to communities underserved by local journalism in the commonwealth; (ii) review all aspects of local journalism including, but not limited to, the adequacy of press coverage of cities and towns, ratio of residents to media outlets, print and digital business models for media outlets, the impact of social media on local news, strategies to improve local news access, public policy solutions to improve the sustainability of local press business models and private and nonprofit solutions, and identifying career pathways and existing or potential professional development opportunities for aspiring journalists in the commonwealth.

(b) The commission shall consist of the following 23 members: the chairs of the joint committee on community development and small business, who shall serve as co-chairs; 1 member of the house of representatives appointed by the speaker; 1 member of the senate appointed by the senate president; 1 member who shall be a professor at the Northeastern School of Journalism; 1 member who shall be a member of the Boston Association of Black Journalists; 1 member who shall be a member of the National Association of Hispanic Journalists; 1 member who shall be a member of the Asian American Journalists Association of New England; 1 of who shall be a representative from the Massachusetts Newspaper Publishers Association; 11 members to be appointed by the chairs: 2 of whom shall be representatives of public colleges or universities of the commonwealth with either a journalism or communications program, 1 of whom shall be a representative of a private college or university of the commonwealth with either a journalism or communications program, and 8 of whom shall be currently employed or freelance journalists, editors or producers from independent community news outlets from across the commonwealth; provided, that the appointees shall represent communities underserved by professional news organizations, rural communities, immigrants communities, working-class communities and communities of color; 3 members to be appointed by the governor who shall be representatives of journalism unions or associations; provided, that the appointees shall be selected from the following unions and associations: (i) the NewsGuild – Communication Workers of America, (ii) the Screen Actors Guild-American Federation of Television and Radio Artists, (iii) the National Association of Broadcast Employees and Technicians – Communications Workers of America, (iv) the Association of Independents in Radio, (v) the Boston Chapter of the National Writers Union, (vi) the New England Newspaper and Press Association, or (vii) the New England Chapter of the Society of Professional Journalists. All appointments shall be made no later than 30 days following the effective date of this act.

3323 (c) The commission shall hold public information sessions in order to promote the work of the
3324 commission and to solicit public comment pursuant to the work of the commission.

3325 (d) The commission shall accept written and oral comment from the public beginning at the first
3326 meeting of the commission.

3327 (e) The commission shall meet no less than 5 times to review, study and analyze existing
3328 literature, quantitative and qualitative data on the status of journalism in the commonwealth and
3329 review the oral and written public comments.

3330 (f) No later than August 1, 2021, the commission shall submit its findings, along with
3331 recommendations for legislation, if any, to the clerks of the house of representatives and the
3332 senate and the joint committee of community development and small business.

3333 (g) The special commission may make such interim reports as it considers appropriate.

3334 SECTION 94. There is hereby established a special commission pursuant to section 2A of
3335 chapter 4 of the General Laws to conduct an investigation and study regarding the needs of
3336 agriculture in the commonwealth in the 21st century, including the viability, efficiency, climate
3337 change resiliency, education, technical assistance and energy needs of farms and means of
3338 ensuring farms' ability to adapt to changing economic, climate and energy conditions.

3339 The commission shall consist of 1 member who shall be appointed by the senate president, who
3340 shall serve as co-chair; 1 member who shall be appointed by the minority leader of the senate; 1
3341 member who shall be appointed by the speaker of the house of representatives, who shall serve
3342 as co-chair; 1 member who shall be appointed by the minority leader of the house of
3343 representatives; the house and senate chairs of the joint committee on environment, natural
3344 resources and agriculture; the house and senate chairs of the joint committee on
3345 telecommunications, utilities and energy; the secretary of energy and environmental affairs or a
3346 designee; the secretary of housing and economic development or a designee; the commissioner
3347 of agricultural resources or a designee; a representative of the Massachusetts Farm Bureau
3348 Federation, Incorporated; a representative of the University of Massachusetts center for
3349 agriculture, food and the environment; a representative of the Massachusetts chapter of the
3350 Northeast Organic Farming Association; a representative of the Cape Cod Cranberry Growers'
3351 Association; and a representative of the Massachusetts Association of Dairy Farmers, Inc.
3352 Members shall not receive compensation for their services but may receive reimbursement for
3353 the reasonable expenses incurred in carrying out their responsibilities as members of the
3354 commission. The executive office of energy and environmental affairs and executive office of
3355 housing and economic development may furnish reasonable staff and other support for the work
3356 of the commission.

The commission shall review: (i) methods of supporting farms including development of tax incentives and credits for equipment related to farm-based renewable energy projects; (ii) effects of zoning ordinances and bylaws on farm-based renewable energy projects and means of reducing administrative and regulatory barriers to such projects; (iii) potential zoning exemptions of farm renewable energy systems; (iv) the feasibility of establishing an incentive program to facilitate the growth of non-solar renewable-energy distributed-generation projects on farms; (v) methods of encouraging the use of renewable energy resources on farms; (vi) development of potential grant programs in support of farms to develop farm-based renewable energy capabilities including wind harvesting, energy conserving refrigerated food storage pilot projects, methane capture and green combustion and solar and photovoltaic energy projects; (vii) feasibility of using farms as resiliency centers during power outages or extreme weather events by installing technology such as battery storage or microgrids; (viii) the effects of climate change and means by which farms may seek to adapt to climate change; (ix) methods of promoting and facilitating more prompt interconnection of energy projects owned or operated by agricultural producers; (x) the development of a single uniform application for use by owners of farms in the commonwealth for application to any and all grant and other assistance programs administered by the department of agricultural resources and consistent with federal grant and program application criteria; (xi) the benefits of designating an administrator or separate office within the department of agricultural resources to provide advice, technical assistance and other guidance to owners of farms who apply for grants and other programs; (xii) ways to support, expand and enhance opportunities for agricultural tourism; (xiii) the timing of grant applications to the department of agricultural resources and department responses with a view to facilitating more efficient and timely use of grant funds; (xiv) administrative and regulatory barriers to and restrictions on farm owners placing renewable energy structures on farmland; (xv) means of addressing the need for education and technical assistance to farmers; and (xvi) any other matters the commission deems relevant to supporting the viability of farms in the commonwealth.

The commission shall file a report of its findings and recommendations, together with drafts of legislation necessary to carry those recommendations into effect, by filing the same with the clerks of the senate and the house of representatives, the chairs of the senate and house committees on ways and means, the senate and house chairs of the joint committee on environment, natural resources and agriculture, and the house and senate chairs of the joint committee on telecommunications, utilities and energy not later than June 30, 2021.

SECTION 95. Notwithstanding any general or special law to the contrary, there shall be established a special commission to investigate, study and make legislative recommendations on the participation of minority business enterprises and women business enterprises in public construction projects, including, but not limited to: (i) a review of the efficiency and adequacy of current laws and regulations designed to promote diversity; (ii) a review of employment data and recruitment strategies for public construction projects; and (iii) development of best practices for

the promotion of diversity and application of such practices to public construction projects. The commission shall consist of 19 members, 1 of whom shall be appointed by the governor and who shall serve as co-chair; 1 of whom shall be appointed by the attorney general and who shall serve as co-chair; 2 of whom shall be members of the senate, 1 of whom shall be appointed by the president of the senate and 1 of whom shall be appointed by the minority leader of the senate; 2 of whom shall be members of the house of representatives, 1 of whom shall be appointed by the speaker of the house, and 1 of whom shall be appointed by the minority leader of the house of representatives; the commissioner of capital asset management and maintenance or a designee; the inspector general or a designee; the chairperson of the Massachusetts Municipal Association, Inc. or a designee; the president of the Massachusetts Building Trades Council or a designee; the president of the Associated General Contractors of Massachusetts, Inc. or a designee; the president of the Building Trades Employers Association of Boston and Eastern Massachusetts, Inc. or a designee; the president of Associated Subcontractors of Massachusetts, Inc. or a designee; the president of Construction Industries of Massachusetts, Inc. or a designee; the president of the Massachusetts AFL-CIO or a designee; 2 representatives of the Massachusetts Minority Contractors Association, Inc.; a representative of the Boston chapter of the National Association of Women and Construction; and a representative of the Policy Group on Tradeswomen's Issues. The commission shall file a report on the results of its study, together with its recommendations and any legislation necessary to carry such recommendations into effect, with the clerks of the house of representatives and the senate not later than July 31, 2021.

SECTION 96. Notwithstanding any general or special law to the contrary, to meet the expenditures necessary in carrying out section 2, the state treasurer shall, upon receipt of a request by the governor, issue and sell bonds of the commonwealth in an amount to be specified by the governor from time to time but not exceeding, in the aggregate, \$420,504,000. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face "Commonwealth Economic Development Act of 2021", and shall be issued for a maximum term of years, not exceeding 30 years, as the governor may recommend to the general court pursuant to section 3 of Article LXII of the Amendments to the Constitution; provided, however, that all such bonds shall be payable not later than June 30, 2056. All interest and payments on account of principal on such obligations shall be payable from the General Fund. Bonds and interest thereon issued under the authority of this section shall, notwithstanding any other provision of this act, be general obligations of the commonwealth.

SECTION 97. Notwithstanding any general or special law to the contrary, to meet the expenditures necessary in carrying out section 2A, the state treasurer shall, upon receipt of a request by the governor, issue and sell bonds of the commonwealth in an amount to be specified by the governor from time to time but not exceeding, in the aggregate, \$206,000,000. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face "Commonwealth Economic Development Act of 2021", and shall be issued for a maximum term of years, not exceeding 30 years, as the governor may recommend to the general court pursuant to section 3 of

3435 Article LXII of the Amendments to the Constitution; provided, however, that all such bonds shall
3436 be payable not later than June 30, 2056. All interest and payments on account of principal on
3437 such obligations shall be payable from the General Fund. Bonds and interest thereon issued
3438 under the authority of this section shall, notwithstanding any other provision of this act, be
3439 general obligations of the commonwealth.

3440 SECTION 98. (a) As used in this section, the following words shall, unless the context clearly
3441 requires otherwise, have the following meanings:

3442 "Covered establishment", a restaurant or other eating or drinking establishment offering same-
3443 day food or drink for sale in a single commercial transaction through any third-party delivery
3444 service platform, with less than 25 retail locations within the commonwealth.

3445 "COVID-19 emergency", the state of emergency declared by the governor on March 10, 2020 in
3446 order to address the outbreak of the 2019 novel coronavirus, also known as COVID-19.

3447 "Customer", an individual using a third-party delivery service platform to place an online order.

3448 "Online order", an order for food or drinks placed by a customer through a third-party delivery
3449 service platform provided by a third-party delivery service company for pickup or delivery in the
3450 commonwealth.

3451 "Purchase price", the menu price publicly offered on the third-party delivery service platform by
3452 a covered establishment. The purchase price shall not include any taxes, gratuities or other fees
3453 that may make up the total cost charged to the customer for an online order.

3454 "Third-party delivery service company", a corporation, partnership, sole proprietorship or other
3455 entity qualified to do business in the commonwealth that is engaged in facilitating same-day
3456 delivery or pickup of food and beverages through a third-party delivery service platform for 20
3457 or more separately owned and operated covered establishments.

3458 "Third-party delivery service platform", any online enabled application, software, website or
3459 system offered or utilized by a third-party delivery service company to facilitate the sale of food
3460 and beverages prepared by, and the same-day delivery or same-day pickup of food and beverages
3461 from, covered establishments.

3462 (b) Notwithstanding any general or special law to the contrary, no third-party delivery service
3463 company, from the effective date of this act until the termination of the COVID-19 emergency,
3464 shall charge a covered establishment a delivery fee per online order for the use of its services and
3465 fees other than a delivery fee that totals more than 15 per cent of the purchase price of the online
3466 order. No third-party delivery service company shall reduce the compensation rates paid to the
3467 delivery service driver, or garnish gratuities, as a result of this section.

3468 (c) This section shall preempt, supersede or nullify any inconsistent, contrary or conflicting local
3469 law, ordinance, rule or regulation relating to third-party delivery service platforms and third-
3470 party delivery service companies fees, including with respect to any agreements with covered
3471 establishments using third-party delivery service companies.

3472 (d) A violation of this section shall be an unfair and deceptive trade practice in violation of
3473 chapter 93A of the General Laws.

3474 SECTION 99. There is hereby established a special legislative commission pursuant to section
3475 2A of chapter 4 of the General Laws to examine and make recommendations on addressing the
3476 recovery of the cultural and creative sector, including the arts, humanities and sciences, as a
3477 result of the outbreak of the 2019 novel coronavirus, also known as COVID-19, and the effects
3478 of the governor's March 10, 2020 declaration of a state of emergency pursuant to executive order
3479 591. The special commission shall review and develop recommendations and best practices for
3480 the recovery, promotion and continued growth and vitality of the cultural and creative sector in
3481 the commonwealth. The special legislative commission shall meet no fewer than 4 times, in
3482 diverse locations throughout the commonwealth.

3483 The commission shall consist of the following 13 members: the house and senate chairs of the
3484 joint committee on tourism, arts and cultural development, who shall serve as co-chairs; the
3485 executive director of the Massachusetts cultural council or a designee; the executive director of
3486 MassCreative, Inc. or a designee; 1 member of the commonwealth association of museums; 1
3487 member of the educational theatre association; and 7 members to be appointed by the co-chairs:
3488 2 of whom shall be representatives from 2 different designated cultural districts in the
3489 commonwealth; and 5 artists from different disciplines and sectors, including the arts, humanities
3490 and sciences. All appointments shall be made not later than 30 days after the effective date of
3491 this act. The commission shall convene its first meeting not later than 60 days after the effective
3492 date of this act.

3493 The commission shall examine ways to increase recovery and promote remote operations and
3494 programming in the commonwealth, including, challenges maintaining and operating
3495 programming, including, training staff, developing new creative work regardless of format,
3496 barriers in reopening physical locations and maintaining a virtual presence, strategies for
3497 increased marketing and strategies for cross-promotional partnerships with other industries,
3498 including the hospitality industry.

3499 The chairs of the commission shall work to facilitate information and data requests of the
3500 commission members, ensure that the work of the commission incorporates feedback from the
3501 cultural and creative sector statewide and coordinate cooperation throughout the review. The
3502 commission shall submit a report of its review and its recommendations, together with drafts of
3503 legislation, if any, necessary to carry out the recommendations of the commission by filing the
3504 same with the clerks of the house of representatives and the senate, the house and senate

3505 committees on ways and means and the joint committee on tourism, arts and cultural
3506 development, not later than June 30, 2021.

3507 SECTION 100. The executive office of housing and economic development shall issue guidance
3508 to assist local officials in determining the voting thresholds for various zoning amendments.
3509 Such guidance shall be assembled in consultation with the department of housing and
3510 community development, the Massachusetts attorney general's municipal law unit, and
3511 Massachusetts Housing Partnership.

3512 SECTION 101. The secretary of housing and economic development shall report annually to the
3513 clerks of the house of representatives and the senate, the chairs of the joint committee on housing
3514 and the chairs of the senate and house committees on ways and means, on the activities and
3515 status of the Housing Choice Initiative, as described by the governor in a message to the general
3516 court dated December 11, 2017, including progress made towards the production of 135,000 new
3517 units by 2025. The report also shall include a list of all cities and towns that qualify as "housing
3518 choice" communities, a list and description of grant funds disbursed to such cities and towns and
3519 a description of how the funds were used to support the production of new housing.

3520 SECTION 102. Sections 15 to 24, inclusive, sections 27 46 and 47, and sections 97 and 98, shall
3521 take effect 90 days after enactment.

3522 SECTION 103. Sections 70 to 72, inclusive, and sections 88 to 91, inclusive, shall take effect
3523 120 days from the effective date of this act.

3524 SECTION 104. Sections 48 to 55, section 58, section 60, inclusive shall apply to tax years
3525 beginning on or after January 1, 2021.

3526 SECTION 105. Section 4G of chapter 175 of the General Laws shall apply to all policies issued
3527 on or after January 1, 2021.

3528 SECTION 106. The Massachusetts office of business development shall accept applications for
3529 approval as a rural growth fund as required under subsection (c) of section 38II of chapter 63 of
3530 the General Laws not more than 90 days after the effective date of this act.

3531 SECTION 107. The secretary of administration and finance shall establish the fees required
3532 under chapter 93L of the General Laws not later than June 30, 2021.

3533 SECTION 108. The first report required under section 35 of chapter 12 of the General Laws
3534 shall be submitted not later than July 1, 2022.

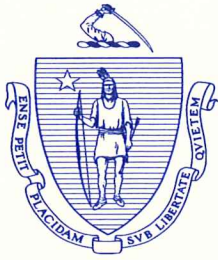
3535 SECTION 109. Sections 3 and 12 shall take effect on July 1, 2021.

3536 SECTION 110. Chapter 93L of the General Laws shall take effect on July 1, 2021.

3537 SECTION 111. Section 75 shall take effect on January 1, 2023.

3538 SECTION 112. Sections 59 and 61 shall take effect on January 1, 2026.

3539 SECTION 113. Said sections 62 and 103 shall be repealed on July 1, 2026.



OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
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CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

January 14, 2021

To the Honorable Senate and House of Representatives:

Pursuant to Section 5 of Article LXIII, as amended by Article XC, Section 4 of the amendments to the Constitution, I am today signing House Bill 5250, "An Act enabling partnerships for growth," and vetoing certain portions as noted below.

In 2019, the Baker-Polito Administration announced a new economic development plan, entitled *Partnerships for Growth: a plan to enable the Commonwealth's regions to build, connect, and lead*. The framework outlined in that plan guided the approach taken in the bill, H. 4529, I filed in early March 2020. One week after filing that bill, I declared a state of emergency to respond to the spread of the novel coronavirus that causes COVID-19. Residents of the Commonwealth experienced unprecedented disruption as businesses complied with restrictions I put in place to slow the spread of the virus. Although we have since reopened much of the economy and started the economic recovery process, we have much work to do in the months ahead to assist those who lost jobs, to help businesses recover, and to restore the same economic vitality the Commonwealth enjoyed prior to the pandemic.

The legislation I am signing today will better position the Commonwealth to address and respond to these challenges. My Administration worked closely with the Legislature over the summer to make strategic adjustments to the bill to address needs arising from the pandemic. I want to acknowledge your partnership on this legislation, which is the third economic development package signed by this Administration, but the only one we adjusted in real time to respond to unprecedented public health and economic crises. None of that would have been possible without tremendous collaboration.

This legislation provides more than \$626 million in capital authorization to drive economic growth and improve housing stability over the next five years. I am grateful to the Legislature for authorizing \$50 million to neighborhood stabilization, \$50 million for transit-oriented housing development, and \$10 million in climate resilient housing that will allow the Commonwealth to support more sustainable and resilient housing. Communities around the state will benefit from a \$40 million authorization for the revitalization of underutilized properties and \$10 million for regional and community assistance, tools that are more important than ever for

the COVID-19 recovery. Recognizing the challenges that rural and small towns face, the new rural and small town development fund will provide up to \$20 million to support municipalities on local goals.

The Commonwealth's dynamic business ecosystem is core to the continuing success of our economy. This bill directs capital dollars to support advanced manufacturing and target new and emerging opportunities through the technology research and development fund. Importantly, this bill also dedicates key resources for underserved populations with \$25 million in authorization for microbusinesses and another \$35 million for grants to community development financial institutions and community development corporations to support women-owned and minority-owned businesses.

Although these capital authorizations will allow us to make important investments to accelerate economic growth and recovery, I do feel compelled to note that the total authorization in the legislation exceeds what the Commonwealth has budgeted so far. Capital authorization is the necessary first step before a project can be funded through the capital investment plan.

The legislation also includes many policy changes that will help our businesses, workers and residents. Foremost among these are the Housing Choice provisions I proposed more than three years ago to make it easier to build housing in communities that want it. Passing Housing Choice has been among my top priorities for the past two legislative sessions, and, thanks to your partnership, I am pleased to sign those provisions into law. These sections of the bill represent the first significant zoning reform in decades, and I am grateful that we found a way to get it done. The legislation also includes a section that will encourage multifamily zoning in MBTA communities. Although I did not propose that section, I am signing it because the law gives my Administration considerable discretion to determine compliance. I expect the relevant agencies will work diligently with cities and towns to develop compliance criteria that are fair and reasonable, with due regard for different needs in different communities, and for the time and effort it takes to create new zoning districts.

This legislation features a number of other policy provisions in its outside sections, many proposed by my Administration, and others added during the legislative process. Of the 111 total outside sections, I am signing 100, and vetoing 11. The sections I am vetoing, and the reasons for the veto, are as follows:

Housing Development Incentive Program (HDIP) Affordability Requirement

I am vetoing sections 48, 50 and 55, which collectively would require housing development projects benefiting from an HDIP tax credit to have at least 10 percent affordable units. The HDIP program has helped to produce hundreds of market rate units in our Gateway cities, which has been the goal of the program since its inception. Adding an affordability requirement will make these projects more difficult to finance and add a layer of administrative complexity that is not consistent with the program's goals. We will continue to make significant investments in affordable housing production through other successful programs, such as the state low income housing tax credit. Also, this bill doubles the cap on state LIHTC for the next five years from \$20 million to \$40 million per year.

Rural Jobs Tax Credit

I also am vetoing sections 62, 106 and 113, which would establish a new “rural jobs tax credit.” The stated purpose of this tax credit is to “attract capital investment to businesses in rural areas of the commonwealth in order to promote the retention and expansion of existing jobs, stimulate the creation of new jobs, and attract new business and industry to rural areas of the commonwealth.” But, the program is unlikely to have the desired effect, and as drafted presents numerous implementation challenges. Experience with similar programs in other states demonstrates that these tax credits are likely to provide much greater benefit to the corporate investors who receive the credits than to the rural communities it is supposed to help. Moreover, this section would allow for deployment of tax credits to support investments in communities that are not truly rural, and therefore would not target the incentive where it is needed most. In lieu of approving this program, I am committed to making more direct investments in rural communities, both this year as part of the COVID-19 recovery program, and in future years consistent with the goals and strategies in the economic development plan. These direct investments will have much greater impact on job creation and business expansion in rural communities.

Registration of Motor Vehicles

I also am vetoing section 63, which would require the registry of motor vehicles, prior to issuing a registration for a motor vehicle, to confirm the validity and status of the applicant’s driver’s license and certify that the person is in compliance with applicable rules and regulations related to licensing. This requirement, though well intentioned, would effectively prevent the issuance of registrations for vehicles owned by persons with an out of country or out of state driver’s license. The requirement would also cause issues with the issuance of registrations for vehicles owned by one person but used by other family members.

Tenant Right of Purchase

I also am vetoing section 83, which would allow cities and towns to adopt an ordinance or bylaw that dramatically alters the rights of certain residential property owners to sell that property. The owners of affected properties would be required to, among other things: provide notice of an intended sale to the municipality and each tenant household; offer a tenant association the opportunity to make an offer to purchase the property prior to entering into an agreement to sell the property; and offer the tenant association a right of first refusal if the owner enters into a sales contract with a third party. With some exceptions, these requirements would apply to all multi-unit housing, including market-rate housing, in a city or town that accepts its provisions. These requirements would significantly delay the sale of multifamily homes throughout the Commonwealth, and potentially chill the production of new housing when we desperately need to produce more. Because a viable exit strategy often is critical to a developer’s willingness to undertake a project, I am concerned that making multifamily sales transactions more unpredictable will result in less investment and construction of fewer new rental units. As I have said many times in recent years, the Commonwealth is facing a housing

crisis. We simply cannot risk exacerbating that crisis by making it harder to produce, and sell, multifamily housing.

Eviction Record Sealing

I also am vetoing section 85, which would create a process for sealing records in eviction cases. I am keenly aware that many families are facing financial hardship and may be at risk of eviction due to job loss, reduced work hours, illness or other reason related to the pandemic. And I recognize that an eviction record makes it harder for a tenant to find new housing. However, this section would allow for records to be sealed not just in no-fault eviction cases, but in every eviction case in which a judgment has been satisfied—even in a case where a tenant was evicted for endangering other tenants or engaging in criminal activity. Keeping this kind of information sealed is unfair to landlords and creates unnecessary risks for other tenants. Additionally, the trial courts have indicated this section would impose a significant administrative burden, especially in light of the challenges caused by the need to process cases remotely during the state of emergency, and the need to focus limited judicial resources on eviction diversion for the foreseeable future.

Minority and Women-Owned Enterprises in Public Construction Projects

I also am vetoing section 95, which proposes to form a special commission to study the participation of minority and women-owned enterprises in public construction projects. With the support of the Black and Latino Legislative Caucus, I filed legislation on this exact topic in the 2019-2020 legislative session, House 4511, “An Act to Expand Opportunities for Minority and Women Business Enterprises in Public Construction Projects.” That legislation, which I anticipate will be refiled in this new legislative session, would have both increased the thresholds to which the Commonwealth’s filed sub-bid requirements apply in public construction projects, and would have allowed DCAMM to set participation goals on sub-contracted work in projects over \$5 million. With other proposals in the bill, that legislation would have created countless opportunities for minority and women-owned business enterprises. That legislation resulted from years of study, notably including the disparity study completed by DCAMM and published at the end of calendar year 2017. The commission proposed in Section 95 is unnecessary, both because of this prior work and because the issues to be considered can all be considered as part of the joint committee work on the refiled version of H.4511.

Delayed Effective Date for Housing Choice

Finally, I am vetoing section 102, which would delay the effective date of the Housing Choice provisions for 90 days. As I noted earlier, Housing Choice is the first significant zoning reform in decades. Cities and towns should be able to take advantage of the revised voting thresholds immediately.

The remainder of this bill I approve.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Charles D. Baker", with a stylized flourish at the end.

Charles D. Baker
Governor



Town of Arlington, Massachusetts

Proposed Citizen Petition Zoning Warrant Article

Summary:

8:30 p.m. James Fleming will discuss his proposed warrant article, Board may discuss and ask questions



Town of Arlington, Massachusetts

Meeting Minutes (10/5/20)

Summary:

8:45 p.m. Board will review and approved minutes

ATTACHMENTS:

Type	File Name	Description
▢ Reference Material	Agenda_Item_4_-_10052020_Draft_ARB_Minutes.docx	10052020 Draft ARB Minutes

Arlington Redevelopment Board
Monday, October 5, 2020, 7:00 PM
Meeting Conducted Remotely via Zoom
Meeting Minutes

This meeting was recorded by ACMi.

PRESENT: Rachel Zsembery (Chair), Eugene Benson, Kin Lau, Katherine Levine-Einstein, David Watson

STAFF: Jennifer Raitt, Director of Planning and Community Development, and Erin Zwirko, Assistant Director, Kelly Lynema, Senior Planner

The Chair called the meeting to order and notified all attending that the meeting is being recorded by ACMi.

The Chair explained that this meeting is being held remotely in accordance with the Governor's March 12, 2020 order suspending certain provisions of the Open Meeting Law G.L. c. 30A, Section 20. This order from Governor Baker allows for meetings to be held remotely during this time to avoid public gatherings.

The Chair introduced the first agenda item, the public hearing for Docket #2717, as amended #2905, 23 Broadway for Eskar LLC. The Chair explained that the applicant is requesting to open a Marijuana Retail establishment in the B2A major business district. Mary Winstanley-O'Connor introduced herself as the representative for Eskar LLC. Ms. Winstanley-O'Connor said that the environmental impact statement she submitted reviews the outstanding safety and traffic issues for the Environmental Design Review. Ms. Winstanley-O'Connor said that the establishment meets the Town's host community agreement requirements. Sales will be appointment only for the first month and the Arlington Police Department has been consulted and will assist with the traffic plan.

Mike Hunnewell, President of Eskar LLC, introduced himself and his business partner Michael Aldi and welcomed questions from the board. Ms. Raitt said that the traffic projections are correct and pre-pandemic numbers were used for those projections as used for a previous request for a similar use. Ms. Raitt said that the lot was previously approved as a non-conforming lot under the previous docket. Mr. Hunnewell described the circulation pattern inside the building and for customers on the retail floor.

Mr. Benson asked about the design updates, the parking report, and traffic report and Mr. Hunnewell said that Eskar intends to follow the traffic report suggestions. Mr. Benson asked about the LEED score Mr. Hunnewell and Ms. Winstanley-O'Connor said that they have to review the LEED report and the parking report. Mr. Benson asked about the number of employees and to have the indoor bicycle parking included on the floor plan.

Mr. Watson asked to have the detailed design of the indoor bicycle parking included with the plans and asked that the proponents review the Town's bicycle parking requirements. Mr. Benson asked about parking and the possibility of securing overflow parking, managing the hourly customer flow, and the new curb cut on Sunnyside Ave. Mr. Benson asked if this site location meets the buffer zone requirements and Ms. Raitt confirmed that this location does meet the requirements and there is an existing curb cut on Sunnyside Ave. Mr. Benson asked if the Town's Transportation Advisory Committee had any concerns about the traffic report and Ms. Raitt said that the report was reviewed by the Sr. Transportation Planner and she will share the report with members of TAC for their feedback.

Mr. Lau asked about the loading dock and parking by the loading area Mr. Aldi said that deliveries will only happen during off-hours. Mr. Lau asked if the rear exit, with steps, was handicapped accessible. Mr. Hunnewell said that they will ensure they have a plan for an accessible exit. Mr. Lau asked to rethink the plan to use glass bricks in the facade as they block visibility. Mr. Lau asked about parking lot drainage and Ms. Raitt said that there are no changes made to the parking lot so

improvements to the parking lot are not required.

Ms. Levine-Einstein wanted to confirm that plans for pedestrian and cyclist safety will be included with the project. The Chair asked for plans with details about the signage on the front of the building and any signage in the parking area. The Chair said she would like to see a proposal to understand what the window screen/film will look like on the first floor to ensure that the area still looks like a vibrant street scape. The Chair said she agrees with Mr. Lau regarding the use of glass bricks in the façade and asked to review the stars at the sales floor exit. The Chair echoed Mr. Benson's concern about the LEED scores but understands that with the existing HVAC system the scores may not be able to be improved greatly. Mr. Watson suggested subsidized MBTA passes for employees and providing a shower and changing area to encourage employees to bike to work. Ms. Winstanley-O'Connor said that subsidized MBTA passes are in their transportation plan and Mr. Hunnewell said they will look to see what they can do about an employee shower. Mr. Lau asked about an employee breakroom. Mr. Aldi said that they will use the area labeled as packaging for the employee dining/breakroom area. The Chair opened the floor to public comment.

Don Seltzer, Irving Street, said that he has never seen such a detailed traffic study. Mr. Seltzer asked if the proponents have thought about reversing the direction of traffic flow to enter through Sunnyside Ave. and exit on Broadway. Mr. Seltzer said that he thinks that in the future there may be a substance abuse facility located in the vicinity and asked to the Board to consider the possible conflict.

Mr. Benson asked how customers will know they are supposed to use the parking lot. Mr. Hunnewell said that there will be signage, on the webpage, and included with the text confirmation for customers who order ahead of time.

The Chair reviewed the Board's list of required information to move forward with a hearing continuation: more detailed parking and queue management plan; details for proposed first floor window screening; new design in lieu of the glass block screen; more detail about the building and parking lot signage; provide a civil drawing with the Transportation consultant's recommendations, including the stop sign and the asphalt lettering ; LEED scorecard review with possible plans for improvements; bike parking plans for both indoors and outdoors; provide plans for possible employee shower and changing room; Transportation Planner to review the transportation plan and provide more specific items related to the impact to queuing on the street and possible one way turn onto Sunnyside Ave; review steps at retail exit regarding property line and accessibility; review plans for the loading dock; and employee breakroom plan details.

Mr. Lau moved to continue this hearing to November 2, 2020 and Mr. Benson seconded, approved 5-0.

The Chair introduced the second agenda item, Committee Appointment: Alex Bagnall, Envision Arlington Standing Committee. Ms. Raitt introduced Mr. Bagnall and explained that Mr. Bagnall may be presenting updates to the Board. Mr. Bagnall said he has been a Town Meeting Member for the past four years and thanked the Board for this opportunity to work with Envision Arlington and the Board's efforts regarding housing.

Mr. Benson moved to appoint Alex Bagnall as a member of the Arlington Standing Committee, Mr. Watson seconded, approved 5-0.

The Chair introduced the third agenda item, Presentation and Discussion: Residential Design Guidelines and Design Review Process for R0, R1, R2 Zoning Districts. Ms. Raitt introduced Kelly Lynema, Senior Planner from Arlington's Department of

Planning and Community Development, and Emily Innes and Philip Ho from Harriman. Ms. Lynema introduced herself and provided the background for this project. Ms. Lynema explained that the guidelines are intended to balance desires of property owners, the general public, and interests of the Arlington community while building the codified balances between these different needs into existing approval process structures. Ms. Lynema said that Harriman took the responses from the community engagement period to create the draft guideline. Ms. Innes gave an overview of Harriman's existing conditions analysis for Arlington. Ms. Innes said that the final presentation for the public should take place in December 2020. Ms. Lynema said that the draft guidelines will be presented to the Zoning Board of Appeals by the end of October 2020 and will be looking for feedback by November 6, 2020.

Mr. Benson asked about public participation during the COVID-19 shut down. Ms. Innes said that there were 1,200 online responses and feels that volume of responses is more than would have been received in person. Mr. Benson said he does have a concern for those without internet access. Ms. Lynema said Harriman received a wider age range of participants than usual. Mr. Lau asked about parking requirements and possible adjustments that would encourage fewer prominent garages/parking and encourage better architecture. Mr. Benson suggested thinking about including design guidelines regarding the environment, for example solar arrays and smaller lawns. Mr. Benson said the guide has good examples of how home size discrepancies is an issue in neighborhoods, but not a particular style of home. The Chair said the Board could use a guide like this for the commercial zones. Ms. Raitt noted that the Board adopted Design Standards for Commercial and Industrial properties in 2015. The Chair opened the floor for public comments, there were no comments.

The Chair introduced the next agenda item, Meeting Minutes (07/20/20). Mr. Benson moved to approve the 7/20/20 meeting minutes as amended, Mr. Lau seconded, approved 4-0 (Ms. Levine-Einstein abstained as she was not present).

The Chair introduced the next agenda item, Open Forum and opened the floor for public comment. There were no members of the public that wished to speak.

The Chair introduced the last agenda item for the Board, Executive Session. The Chair explained that in order to move into the Executive Session a motion is required to close the public meeting and stop the meeting recording. The Chair amended the motion to open the Executive Session to discuss the pending legal matter regarding the Hotel Lexington property as cited by Town Counsel, Darlow v. Redevelopment Board regarding the Hotel Lexington Special Permit, and to adjourn the meeting directly from the Executive Session. Mr. Benson moved to approve, Mr. Watson seconded, approved 5-0.

Meeting adjourned.